

U.S. Sentencing Commission
Preliminary Quarterly Data Report



**1st Quarter Release
Preliminary Fiscal Year 2007 Data
Through December 31, 2006**

Introduction

As part of its ongoing mission, the United States Sentencing Commission (USSC) provides Congress, the judiciary, the executive branch, and the general public with data extracted and analyzed from sentencing documents submitted by courts to the Commission.¹ In past years, data has been reported on an annual basis in the Commission's *Sourcebook* and *Annual Report*.² After the Supreme Court's *U.S. v Booker* decision on January 12, 2005, which rendered the sentencing guidelines advisory instead of mandatory, many people expressed an interest in knowing what changes, if any, in federal sentencing practices would result. The Commission responded by reconfiguring its data collection, analysis, and reporting efforts to provide real-time data reporting from the submitted documents.

The Commission first reported data on February 10, 2005 to Congress³ and began reporting data approximately monthly shortly thereafter. The types of data reported increased over time to accommodate various requests for the additional information. In March 2006, the Commission released a comprehensive report, *Final Report on the Impact of the United States v. Booker on Federal Sentencing*,⁴ based on cases sentenced one year since the *Booker* decision. Because the Report included additional analyses that had not been included in the monthly reports, not all the data presented in the Report was comparable with the monthly releases, which made comparing data over time difficult.

In an effort to standardize the Commission's post-*Booker* analyses and to facilitate the identification of emerging trends going forward, the Commission began generating a new set of tables and charts on a quarterly basis for public release on the Commission's website beginning with the third quarter of fiscal year 2006. These quarterly data reports are similar in format and methodology to tables and figures produced in the *Sourcebook* in prior years or in the Commission's *Booker* report. Some of the figures include data from fiscal years before the *Booker* decision to facilitate analysis of sentencing trends over time. Other figures and all of the tables contain cumulative data (*i.e.*, data from the start of the fiscal year through the most current quarter). Appendix B cross-references the quarterly table numbers and figure letters as well as the corresponding number or letter in the *Sourcebook* (if it exists in the *Sourcebook*) so that the

¹In each felony or Class A misdemeanor case sentenced in federal court, sentencing courts are required to submit the following documents to the Commission: the Judgment and Commitment Order, the Pre-Sentence Report, the Statement of Reasons, the Plea Agreement (if applicable), and the Indictment. See 28 U.S.C. § 994(w).

²See the Commission's website, www.ussc.gov, for electronic copies of the 1995-2006 *Sourcebook* and *Annual Report*.

³See www.ussc.gov/bf.htm for an electronic copy of the prepared testimony of Ricardo H. Hinojosa, chair of the United States Sentencing Commission, before the Subcommittee on Crime, Terrorism, and Homeland Security, Committee on the Judiciary, United States House of Representatives - February 10, 2005.

⁴See www.ussc.gov/bf.htm for an electronic copy of the Commission's *Final Report on the Impact of U.S. v. Booker on Federal Sentencing*.

quarterly data can be compared easily with data from prior fiscal years.⁵ In Appendix A are descriptions of datafile and variable definitions.

Users of the quarterly releases are cautioned that the quarterly data are preliminary only and subject to change as the Commission collects, analyzes, and reports on additional cases throughout the fiscal year. When data for each new quarter is made available, the Commission will update the previous preliminary quarterly totals in the most recent release until the release of the final fiscal year data in the Commission's *Sourcebook*. For example, the data reported in this initial release for the first quarter of fiscal year 2007 may change as the Commission receives and analyzes documents during the remaining quarters for additional cases sentenced during the first quarter.⁶ Any subsequent changes in the quarterly data for the first quarter would be reflected initially in the subsequent quarterly releases and finally in the Commission's *Sourcebook Annual Report*. As a result, **quarterly data should not be considered final until publication of the Commission's *Sourcebook* and *Annual Report*.**

⁵The Commission has tried to maintain the same table numbers and figure letters over the past several years but due to slight differences in reporting categories between pre- and post-*Booker* time periods, the numbers and letters may not correspond exactly over time. Please refer to the table of contents for each of the prior *Sourcebook* years to determine the corresponding table number or figure letter.

⁶The reasons for data changes in previous quarters is due to one or more of the following reasons: the courts have up to 30 days to submit court documents to the Commission; the Commission both extracts information from the documents and screens cases through the quality control procedures and does not include any case in a data release unless it has been fully entered and reviewed; some documents are sent in later than other documents and the datafiles are then updated with the new information; the Commission receives amended court documents and updates the datafile based on the new information; the Commission matches its datafile to datafiles from the Administrative Office of the U.S. Courts and requests any case documents not received - a process that can only be completed after the documents have been received and the information entered into the Commission's database. For all of the above reasons, data may be excluded/included or reported differently from one quarter to another.

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Sourcebook Number/Letter

Table 1

**NATIONAL COMPARISON OF SENTENCE IMPOSED AND
POSITION RELATIVE TO THE GUIDELINE RANGE¹**
1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)

	N	%
TOTAL CASES	15,721	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	9,594	61.0
CASES SENTENCED ABOVE GUIDELINE RANGE	221	1.4
DEPARTURE ABOVE GUIDELINE RANGE	98	0.6
Upward Departure From Guideline Range ²	62	0.4
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	36	0.2
OTHERWISE ABOVE GUIDELINE RANGE	123	0.8
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	109	0.7
All Remaining Cases Above Guideline Range ⁵	14	0.1
GOVERNMENT SPONSORED BELOW RANGE⁶	3,991	25.4
§5K1.1 Substantial Assistance Departure	2,279	14.5
§5K3.1 Early Disposition Program Departure	1,219	7.8
Other Government Sponsored Below Range	493	3.1
NON-GOVERNMENT SPONSORED BELOW RANGE	1,915	12.2
DEPARTURE BELOW GUIDELINE RANGE	686	4.4
Downward Departure From Guideline Range ²	434	2.8
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	252	1.6
OTHERWISE BELOW GUIDELINE RANGE	1,229	7.8
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	1,049	6.7
All Remaining Cases Below Guideline Range ⁵	180	1.1

¹This table reflects the 16,176 cases sentenced subsequent to October 1, 2005, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by February 27, 2007. Of these, 455 cases were excluded for one of two general reasons. Some involved certain Class A misdemeanors or other offenses which do not reference a sentencing guideline. In others, information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

²All cases with departures in which the court did not indicate as a reason either *U.S. v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

³All cases sentenced outside of the guideline range in which the court indicated both a departure (see footnote 2) and a reference to either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

⁴All cases sentenced outside of the guideline range in which no departure was indicated and in which the court cited *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

⁵All cases sentenced outside of the guideline range that could not be classified into any of the three previous outside of the range categories. This category includes cases in which no reason was provided for a sentence outside of the guideline range.

⁶Cases in which a reason for the sentence indicated that the prosecution initiated, proposed, or stipulated to a sentence outside of the guideline range, either pursuant to a plea agreement or as part of a non-plea negotiation with the defendant.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through December 31, 2006).

SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT¹
1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
TOTAL	15,721	9,594	61.0	62	0.4	36	0.2	109	0.7	14	0.1
D.C. CIRCUIT	142	61	43.0	0	0.0	0	0.0	0	0.0	1	0.7
District of Columbia	142	61	43.0	0	0.0	0	0.0	0	0.0	1	0.7
FIRST CIRCUIT	347	232	66.9	3	0.9	1	0.3	1	0.3	0	0.0
Maine	38	31	81.6	0	0.0	0	0.0	0	0.0	0	0.0
Massachusetts	123	63	51.2	0	0.0	0	0.0	1	0.8	0	0.0
New Hampshire	45	23	51.1	2	4.4	0	0.0	0	0.0	0	0.0
Puerto Rico	114	96	84.2	0	0.0	1	0.9	0	0.0	0	0.0
Rhode Island	27	19	70.4	1	3.7	0	0.0	0	0.0	0	0.0
SECOND CIRCUIT	878	462	52.6	2	0.2	0	0.0	1	0.1	0	0.0
Connecticut	76	42	55.3	0	0.0	0	0.0	0	0.0	0	0.0
New York											
Eastern	265	101	38.1	1	0.4	0	0.0	1	0.4	0	0.0
Northern	82	52	63.4	0	0.0	0	0.0	0	0.0	0	0.0
Southern	241	134	55.6	1	0.4	0	0.0	0	0.0	0	0.0
Western	184	117	63.6	0	0.0	0	0.0	0	0.0	0	0.0
Vermont	30	16	53.3	0	0.0	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	673	347	51.6	2	0.3	1	0.1	7	1.0	0	0.0
Delaware	10	7	70.0	0	0.0	0	0.0	0	0.0	0	0.0
New Jersey	204	95	46.6	0	0.0	0	0.0	0	0.0	0	0.0
Pennsylvania											
Eastern	148	71	48.0	1	0.7	1	0.7	2	1.4	0	0.0
Middle	156	66	42.3	1	0.6	0	0.0	2	1.3	0	0.0
Western	127	88	69.3	0	0.0	0	0.0	2	1.6	0	0.0
Virgin Islands	28	20	71.4	0	0.0	0	0.0	1	3.6	0	0.0
FOURTH CIRCUIT	1,428	1,063	74.4	8	0.6	4	0.3	8	0.6	0	0.0
Maryland	149	75	50.3	0	0.0	1	0.7	0	0.0	0	0.0
North Carolina											
Eastern	151	108	71.5	1	0.7	0	0.0	5	3.3	0	0.0
Middle	100	77	77.0	1	1.0	0	0.0	0	0.0	0	0.0
Western	141	104	73.8	1	0.7	0	0.0	1	0.7	0	0.0
South Carolina	297	232	78.1	0	0.0	0	0.0	1	0.3	0	0.0
Virginia											
Eastern	329	261	79.3	2	0.6	1	0.3	0	0.0	0	0.0
Western	114	87	76.3	2	1.8	1	0.9	0	0.0	0	0.0
West Virginia											
Northern	78	57	73.1	1	1.3	0	0.0	1	1.3	0	0.0
Southern	69	62	89.9	0	0.0	1	1.4	0	0.0	0	0.0

Table 2 (cont.)

CIRCUIT	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	2,279	14.5	1,219	7.8	493	3.1	434	2.8	252	1.6	1,049	6.7	180	1.1
D.C. CIRCUIT	40	28.2	0	0.0	17	12.0	3	2.1	6	4.2	11	7.7	3	2.1
District of Columbia	40	28.2	0	0.0	17	12.0	3	2.1	6	4.2	11	7.7	3	2.1
FIRST CIRCUIT	33	9.5	0	0.0	11	3.2	23	6.6	7	2.0	31	8.9	5	1.4
Maine	5	13.2	0	0.0	0	0.0	0	0.0	1	2.6	1	2.6	0	0.0
Massachusetts	11	8.9	0	0.0	5	4.1	14	11.4	4	3.3	22	17.9	3	2.4
New Hampshire	14	31.1	0	0.0	1	2.2	2	4.4	0	0.0	2	4.4	1	2.2
Puerto Rico	2	1.8	0	0.0	4	3.5	6	5.3	1	0.9	3	2.6	1	0.9
Rhode Island	1	3.7	0	0.0	1	3.7	1	3.7	1	3.7	3	11.1	0	0.0
SECOND CIRCUIT	179	20.4	0	0.0	25	2.8	56	6.4	39	4.4	98	11.2	16	1.8
Connecticut	10	13.2	0	0.0	1	1.3	11	14.5	5	6.6	6	7.9	1	1.3
New York														
Eastern	61	23.0	0	0.0	12	4.5	24	9.1	25	9.4	31	11.7	9	3.4
Northern	14	17.1	0	0.0	1	1.2	9	11.0	3	3.7	3	3.7	0	0.0
Southern	38	15.8	0	0.0	10	4.1	6	2.5	5	2.1	46	19.1	1	0.4
Western	50	27.2	0	0.0	1	0.5	1	0.5	0	0.0	10	5.4	5	2.7
Vermont	6	20.0	0	0.0	0	0.0	5	16.7	1	3.3	2	6.7	0	0.0
THIRD CIRCUIT	189	28.1	0	0.0	10	1.5	19	2.8	15	2.2	68	10.1	15	2.2
Delaware	1	10.0	0	0.0	0	0.0	0	0.0	0	0.0	2	20.0	0	0.0
New Jersey	70	34.3	0	0.0	0	0.0	10	4.9	2	1.0	22	10.8	5	2.5
Pennsylvania														
Eastern	41	27.7	0	0.0	4	2.7	1	0.7	4	2.7	19	12.8	4	2.7
Middle	60	38.5	0	0.0	5	3.2	3	1.9	0	0.0	15	9.6	4	2.6
Western	16	12.6	0	0.0	0	0.0	5	3.9	7	5.5	8	6.3	1	0.8
Virgin Islands	1	3.6	0	0.0	1	3.6	0	0.0	2	7.1	2	7.1	1	3.6
FOURTH CIRCUIT	216	15.1	0	0.0	11	0.8	25	1.8	16	1.1	61	4.3	16	1.1
Maryland	49	32.9	0	0.0	1	0.7	6	4.0	4	2.7	9	6.0	4	2.7
North Carolina														
Eastern	30	19.9	0	0.0	0	0.0	0	0.0	1	0.7	3	2.0	3	2.0
Middle	16	16.0	0	0.0	1	1.0	0	0.0	1	1.0	4	4.0	0	0.0
Western	25	17.7	0	0.0	2	1.4	1	0.7	1	0.7	5	3.5	1	0.7
South Carolina	46	15.5	0	0.0	2	0.7	3	1.0	0	0.0	10	3.4	3	1.0
Virginia														
Eastern	19	5.8	0	0.0	1	0.3	9	2.7	7	2.1	24	7.3	5	1.5
Western	19	16.7	0	0.0	3	2.6	2	1.8	0	0.0	0	0.0	0	0.0
West Virginia														
Northern	8	10.3	0	0.0	1	1.3	4	5.1	1	1.3	5	6.4	0	0.0
Southern	4	5.8	0	0.0	0	0.0	0	0.0	1	1.4	1	1.4	0	0.0

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
FIFTH CIRCUIT	3,357	2,447	72.9	9	0.3	12	0.4	31	0.9	5	0.1
Louisiana											
Eastern	97	77	79.4	1	1.0	1	1.0	1	1.0	0	0.0
Middle	45	34	75.6	0	0.0	0	0.0	0	0.0	0	0.0
Western	113	90	79.6	0	0.0	1	0.9	1	0.9	0	0.0
Mississippi											
Northern	32	16	50.0	1	3.1	0	0.0	0	0.0	0	0.0
Southern	108	91	84.3	0	0.0	0	0.0	0	0.0	1	0.9
Texas											
Eastern	281	217	77.2	0	0.0	0	0.0	0	0.0	0	0.0
Northern	232	169	72.8	2	0.9	5	2.2	6	2.6	0	0.0
Southern	1,277	822	64.4	3	0.2	0	0.0	4	0.3	1	0.1
Western	1,172	931	79.4	2	0.2	5	0.4	19	1.6	3	0.3
SIXTH CIRCUIT	1,230	683	55.5	4	0.3	3	0.2	7	0.6	1	0.1
Kentucky											
Eastern	144	82	56.9	1	0.7	1	0.7	1	0.7	0	0.0
Western	77	49	63.6	0	0.0	0	0.0	1	1.3	0	0.0
Michigan											
Eastern	201	112	55.7	0	0.0	0	0.0	0	0.0	1	0.5
Western	112	65	58.0	2	1.8	1	0.9	3	2.7	0	0.0
Ohio											
Northern	262	143	54.6	0	0.0	1	0.4	2	0.8	0	0.0
Southern	125	57	45.6	0	0.0	0	0.0	0	0.0	0	0.0
Tennessee											
Eastern	116	82	70.7	0	0.0	0	0.0	0	0.0	0	0.0
Middle	65	33	50.8	0	0.0	0	0.0	0	0.0	0	0.0
Western	128	60	46.9	1	0.8	0	0.0	0	0.0	0	0.0
SEVENTH CIRCUIT	721	415	57.6	2	0.3	3	0.4	5	0.7	1	0.1
Illinois											
Central	62	25	40.3	0	0.0	0	0.0	0	0.0	0	0.0
Northern	202	105	52.0	2	1.0	0	0.0	0	0.0	1	0.5
Southern	101	78	77.2	0	0.0	3	3.0	1	1.0	0	0.0
Indiana											
Northern	101	63	62.4	0	0.0	0	0.0	1	1.0	0	0.0
Southern	85	46	54.1	0	0.0	0	0.0	2	2.4	0	0.0
Wisconsin											
Eastern	116	51	44.0	0	0.0	0	0.0	0	0.0	0	0.0
Western	54	47	87.0	0	0.0	0	0.0	1	1.9	0	0.0
EIGHTH CIRCUIT	1,155	807	69.9	7	0.6	3	0.3	3	0.3	1	0.1
Arkansas											
Eastern	63	44	69.8	0	0.0	0	0.0	0	0.0	0	0.0
Western	42	31	73.8	0	0.0	0	0.0	0	0.0	0	0.0
Iowa											
Northern	143	100	69.9	4	2.8	0	0.0	0	0.0	0	0.0
Southern	83	56	67.5	0	0.0	0	0.0	0	0.0	0	0.0
Minnesota	96	49	51.0	0	0.0	1	1.0	0	0.0	0	0.0
Missouri											
Eastern	225	152	67.6	0	0.0	1	0.4	1	0.4	0	0.0
Western	182	134	73.6	0	0.0	1	0.5	0	0.0	0	0.0
Nebraska	170	131	77.1	0	0.0	0	0.0	0	0.0	0	0.0
North Dakota	36	27	75.0	0	0.0	0	0.0	0	0.0	0	0.0
South Dakota	115	83	72.2	3	2.6	0	0.0	2	1.7	1	0.9

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
FIFTH CIRCUIT	268	8.0	227	6.8	84	2.5	110	3.3	12	0.4	133	4.0	19	0.6
Louisiana														
Eastern	8	8.2	0	0.0	4	4.1	2	2.1	1	1.0	2	2.1	0	0.0
Middle	8	17.8	0	0.0	0	0.0	2	4.4	1	2.2	0	0.0	0	0.0
Western	20	17.7	0	0.0	1	0.9	0	0.0	0	0.0	0	0.0	0	0.0
Mississippi														
Northern	12	37.5	0	0.0	2	6.3	0	0.0	0	0.0	1	3.1	0	0.0
Southern	10	9.3	0	0.0	0	0.0	1	0.9	0	0.0	2	1.9	3	2.8
Texas														
Eastern	34	12.1	0	0.0	8	2.8	17	6.0	2	0.7	2	0.7	1	0.4
Northern	26	11.2	1	0.4	6	2.6	6	2.6	2	0.9	7	3.0	2	0.9
Southern	86	6.7	200	15.7	47	3.7	60	4.7	2	0.2	50	3.9	2	0.2
Western	64	5.5	26	2.2	16	1.4	22	1.9	4	0.3	69	5.9	11	0.9
SIXTH CIRCUIT	318	25.9	0	0.0	25	2.0	26	2.1	26	2.1	120	9.8	17	1.4
Kentucky														
Eastern	41	28.5	0	0.0	0	0.0	2	1.4	2	1.4	13	9.0	1	0.7
Western	12	15.6	0	0.0	6	7.8	0	0.0	2	2.6	6	7.8	1	1.3
Michigan														
Eastern	51	25.4	0	0.0	2	1.0	7	3.5	6	3.0	21	10.4	1	0.5
Western	19	17.0	0	0.0	1	0.9	0	0.0	1	0.9	19	17.0	1	0.9
Ohio														
Northern	68	26.0	0	0.0	2	0.8	7	2.7	4	1.5	29	11.1	6	2.3
Southern	47	37.6	0	0.0	4	3.2	3	2.4	5	4.0	9	7.2	0	0.0
Tennessee														
Eastern	28	24.1	0	0.0	0	0.0	1	0.9	1	0.9	1	0.9	3	2.6
Middle	17	26.2	0	0.0	1	1.5	2	3.1	1	1.5	8	12.3	3	4.6
Western	35	27.3	0	0.0	9	7.0	4	3.1	4	3.1	14	10.9	1	0.8
SEVENTH CIRCUIT	166	23.0	0	0.0	12	1.7	21	2.9	18	2.5	66	9.2	12	1.7
Illinois														
Central	19	30.6	0	0.0	1	1.6	1	1.6	4	6.5	12	19.4	0	0.0
Northern	52	25.7	0	0.0	6	3.0	10	5.0	8	4.0	11	5.4	7	3.5
Southern	6	5.9	0	0.0	1	1.0	4	4.0	2	2.0	4	4.0	2	2.0
Indiana														
Northern	30	29.7	0	0.0	1	1.0	1	1.0	0	0.0	4	4.0	1	1.0
Southern	23	27.1	0	0.0	1	1.2	4	4.7	1	1.2	8	9.4	0	0.0
Wisconsin														
Eastern	35	30.2	0	0.0	2	1.7	1	0.9	2	1.7	23	19.8	2	1.7
Western	1	1.9	0	0.0	0	0.0	0	0.0	1	1.9	4	7.4	0	0.0
EIGHTH CIRCUIT	133	11.5	6	0.5	35	3.0	28	2.4	24	2.1	94	8.1	14	1.2
Arkansas														
Eastern	10	15.9	0	0.0	1	1.6	2	3.2	1	1.6	5	7.9	0	0.0
Western	7	16.7	0	0.0	1	2.4	1	2.4	0	0.0	2	4.8	0	0.0
Iowa														
Northern	22	15.4	0	0.0	2	1.4	2	1.4	1	0.7	12	8.4	0	0.0
Southern	10	12.0	0	0.0	3	3.6	0	0.0	0	0.0	14	16.9	0	0.0
Minnesota	15	15.6	0	0.0	2	2.1	4	4.2	11	11.5	11	11.5	3	3.1
Missouri														
Eastern	33	14.7	0	0.0	5	2.2	8	3.6	4	1.8	19	8.4	2	0.9
Western	23	12.6	0	0.0	4	2.2	1	0.5	3	1.6	10	5.5	6	3.3
Nebraska	5	2.9	6	3.5	9	5.3	7	4.1	2	1.2	9	5.3	1	0.6
North Dakota	5	13.9	0	0.0	2	5.6	0	0.0	0	0.0	0	0.0	2	5.6
South Dakota	3	2.6	0	0.0	6	5.2	3	2.6	2	1.7	12	10.4	0	0.0

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
NINTH CIRCUIT	2,756	1,205	43.7	18	0.7	6	0.2	15	0.5	3	0.1
Alaska	27	17	63.0	0	0.0	0	0.0	0	0.0	0	0.0
Arizona	853	277	32.5	13	1.5	3	0.4	3	0.4	0	0.0
California											
Central	218	122	56.0	0	0.0	0	0.0	0	0.0	0	0.0
Eastern	219	133	60.7	0	0.0	1	0.5	0	0.0	0	0.0
Northern	124	65	52.4	0	0.0	0	0.0	0	0.0	0	0.0
Southern	598	201	33.6	1	0.2	0	0.0	2	0.3	1	0.2
Guam	5	1	20.0	0	0.0	0	0.0	0	0.0	1	20.0
Hawaii	80	49	61.3	0	0.0	0	0.0	1	1.3	0	0.0
Idaho	47	23	48.9	0	0.0	0	0.0	1	2.1	0	0.0
Montana	91	73	80.2	2	2.2	1	1.1	3	3.3	1	1.1
Nevada	148	107	72.3	0	0.0	1	0.7	2	1.4	0	0.0
Northern Mariana Islands	3	2	66.7	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	109	53	48.6	2	1.8	0	0.0	0	0.0	0	0.0
Washington											
Eastern	94	22	23.4	0	0.0	0	0.0	1	1.1	0	0.0
Western	140	60	42.9	0	0.0	0	0.0	2	1.4	0	0.0
TENTH CIRCUIT	1,429	820	57.4	2	0.1	0	0.0	13	0.9	1	0.1
Colorado	139	89	64.0	0	0.0	0	0.0	0	0.0	1	0.7
Kansas	184	106	57.6	1	0.5	0	0.0	11	6.0	0	0.0
New Mexico	646	349	54.0	1	0.2	0	0.0	0	0.0	0	0.0
Oklahoma											
Eastern	18	12	66.7	0	0.0	0	0.0	0	0.0	0	0.0
Northern	52	43	82.7	0	0.0	0	0.0	0	0.0	0	0.0
Western	53	44	83.0	0	0.0	0	0.0	1	1.9	0	0.0
Utah	251	120	47.8	0	0.0	0	0.0	1	0.4	0	0.0
Wyoming	86	57	66.3	0	0.0	0	0.0	0	0.0	0	0.0
ELEVENTH CIRCUIT	1,605	1,052	65.5	5	0.3	3	0.2	18	1.1	1	0.1
Alabama											
Middle	56	24	42.9	0	0.0	0	0.0	1	1.8	0	0.0
Northern	112	69	61.6	0	0.0	0	0.0	1	0.9	0	0.0
Southern	73	46	63.0	0	0.0	1	1.4	0	0.0	0	0.0
Florida											
Middle	425	250	58.8	0	0.0	1	0.2	2	0.5	0	0.0
Northern	104	74	71.2	1	1.0	1	1.0	0	0.0	0	0.0
Southern	483	334	69.2	0	0.0	0	0.0	2	0.4	1	0.2
Georgia											
Middle	100	66	66.0	1	1.0	0	0.0	1	1.0	0	0.0
Northern	147	103	70.1	1	0.7	0	0.0	0	0.0	0	0.0
Southern	105	86	81.9	2	1.9	0	0.0	11	10.5	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
NINTH CIRCUIT	285	10.3	791	28.7	137	5.0	57	2.1	45	1.6	162	5.9	32	1.2
Alaska	1	3.7	0	0.0	2	7.4	2	7.4	0	0.0	5	18.5	0	0.0
Arizona	54	6.3	429	50.3	24	2.8	11	1.3	14	1.6	17	2.0	8	0.9
California														
Central	36	16.5	10	4.6	13	6.0	7	3.2	7	3.2	16	7.3	7	3.2
Eastern	33	15.1	23	10.5	11	5.0	6	2.7	0	0.0	10	4.6	2	0.9
Northern	24	19.4	5	4.0	12	9.7	0	0.0	4	3.2	14	11.3	0	0.0
Southern	40	6.7	272	45.5	29	4.8	17	2.8	4	0.7	21	3.5	10	1.7
Guam	1	20.0	0	0.0	0	0.0	0	0.0	0	0.0	2	40.0	0	0.0
Hawaii	21	26.3	0	0.0	2	2.5	0	0.0	1	1.3	6	7.5	0	0.0
Idaho	11	23.4	4	8.5	0	0.0	0	0.0	1	2.1	7	14.9	0	0.0
Montana	4	4.4	0	0.0	0	0.0	1	1.1	0	0.0	6	6.6	0	0.0
Nevada	13	8.8	0	0.0	9	6.1	3	2.0	4	2.7	8	5.4	1	0.7
Northern Mariana Islands	1	33.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	15	13.8	3	2.8	5	4.6	8	7.3	1	0.9	20	18.3	2	1.8
Washington														
Eastern	10	10.6	41	43.6	4	4.3	2	2.1	1	1.1	13	13.8	0	0.0
Western	21	15.0	4	2.9	26	18.6	0	0.0	8	5.7	17	12.1	2	1.4
TENTH CIRCUIT	133	9.3	190	13.3	114	8.0	46	3.2	18	1.3	77	5.4	15	1.0
Colorado	33	23.7	0	0.0	3	2.2	7	5.0	1	0.7	3	2.2	2	1.4
Kansas	33	17.9	0	0.0	15	8.2	1	0.5	0	0.0	16	8.7	1	0.5
New Mexico	16	2.5	123	19.0	87	13.5	29	4.5	4	0.6	31	4.8	6	0.9
Oklahoma														
Eastern	4	22.2	0	0.0	1	5.6	0	0.0	0	0.0	1	5.6	0	0.0
Northern	8	15.4	0	0.0	1	1.9	0	0.0	0	0.0	0	0.0	0	0.0
Western	1	1.9	0	0.0	0	0.0	0	0.0	0	0.0	7	13.2	0	0.0
Utah	25	10.0	67	26.7	6	2.4	5	2.0	9	3.6	12	4.8	6	2.4
Wyoming	13	15.1	0	0.0	1	1.2	4	4.7	4	4.7	7	8.1	0	0.0
ELEVENTH CIRCUIT	319	19.9	5	0.3	12	0.7	20	1.2	26	1.6	128	8.0	16	1.0
Alabama														
Middle	27	48.2	0	0.0	1	1.8	1	1.8	0	0.0	2	3.6	0	0.0
Northern	27	24.1	0	0.0	2	1.8	2	1.8	0	0.0	11	9.8	0	0.0
Southern	19	26.0	0	0.0	0	0.0	0	0.0	1	1.4	6	8.2	0	0.0
Florida														
Middle	112	26.4	5	1.2	3	0.7	9	2.1	9	2.1	32	7.5	2	0.5
Northern	20	19.2	0	0.0	0	0.0	0	0.0	2	1.9	5	4.8	1	1.0
Southern	59	12.2	0	0.0	4	0.8	4	0.8	11	2.3	55	11.4	13	2.7
Georgia														
Middle	26	26.0	0	0.0	0	0.0	0	0.0	1	1.0	5	5.0	0	0.0
Northern	24	16.3	0	0.0	2	1.4	3	2.0	2	1.4	12	8.2	0	0.0
Southern	5	4.8	0	0.0	0	0.0	1	1.0	0	0.0	0	0.0	0	0.0

¹Of the 16,176 cases, 455 were excluded due to missing information needed to determine the relationship between the sentence imposed and the guideline range. Districts for which information needed to determine the relationship between the sentence imposed and the guideline range is missing in five percent or more of the cases received included: Central California (34.3%), Western Oklahoma (27.4%), Middle Georgia (25.4%), Eastern Virginia (15.4%), Western Washington (14.6%), Middle Tennessee (12.2%), Maryland (8.6%), Southern Georgia (7.1%), Alaska (6.9%), Southern California (5.8%), and Middle North Carolina (5.7%). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through December 31, 2006).

Table 3

SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURES		UPWARD DEPARTURES W/ <i>BOOKER</i>		ABOVE RANGE WITH W/ <i>BOOKER</i>		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
TOTAL	15,637	9,548	61.1	62	0.4	36	0.2	108	0.7	14	0.1
Murder	15	12	80.0	1	6.7	0	0.0	0	0.0	0	0.0
Manslaughter	19	14	73.7	0	0.0	1	5.3	2	10.5	0	0.0
Kidnapping/Hostage Taking	13	6	46.2	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	54	38	70.4	0	0.0	1	1.9	3	5.6	0	0.0
Assault	98	67	68.4	1	1.0	0	0.0	0	0.0	0	0.0
Robbery	296	206	69.6	1	0.3	1	0.3	5	1.7	0	0.0
Arson	13	10	76.9	0	0.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	5,617	3,029	53.9	8	0.1	5	0.1	7	0.1	3	0.1
Drugs - Communication Facility	65	39	60.0	0	0.0	0	0.0	0	0.0	0	0.0
Drugs - Simple Possession	126	117	92.9	0	0.0	0	0.0	3	2.4	1	0.8
Firearms	1,799	1,257	69.9	8	0.4	7	0.4	11	0.6	2	0.1
Burglary/B&E	7	7	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Auto Theft	13	9	69.2	0	0.0	0	0.0	0	0.0	0	0.0
Larceny	379	297	78.4	2	0.5	0	0.0	3	0.8	0	0.0
Fraud	1,678	1,100	65.6	8	0.5	9	0.5	20	1.2	3	0.2
Embezzlement	101	80	79.2	0	0.0	0	0.0	1	1.0	0	0.0
Forgery/Counterfeiting	235	181	77.0	3	1.3	1	0.4	1	0.4	1	0.4
Bribery	43	22	51.2	0	0.0	0	0.0	0	0.0	0	0.0
Tax	121	61	50.4	0	0.0	0	0.0	1	0.8	1	0.8
Money Laundering	180	84	46.7	2	1.1	0	0.0	0	0.0	0	0.0
Racketeering/Extortion	134	64	47.8	0	0.0	0	0.0	1	0.7	0	0.0
Gambling/Lottery	16	8	50.0	0	0.0	0	0.0	0	0.0	0	0.0
Civil Rights	14	9	64.3	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	3,716	2,261	60.8	24	0.6	6	0.2	40	1.1	2	0.1
Pornography/Prostitution	317	197	62.1	2	0.6	4	1.3	3	0.9	0	0.0
Prison Offenses	79	60	75.9	1	1.3	0	0.0	1	1.3	1	1.3
Administration of Justice Offenses	200	122	61.0	0	0.0	0	0.0	6	3.0	0	0.0
Environmental/Wildlife	32	19	59.4	0	0.0	0	0.0	0	0.0	0	0.0
National Defense	4	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Antitrust	5	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	17	13	76.5	0	0.0	0	0.0	0	0.0	0	0.0
Other Miscellaneous Offenses	231	159	68.8	1	0.4	1	0.4	0	0.0	0	0.0

Table 3 (cont.)

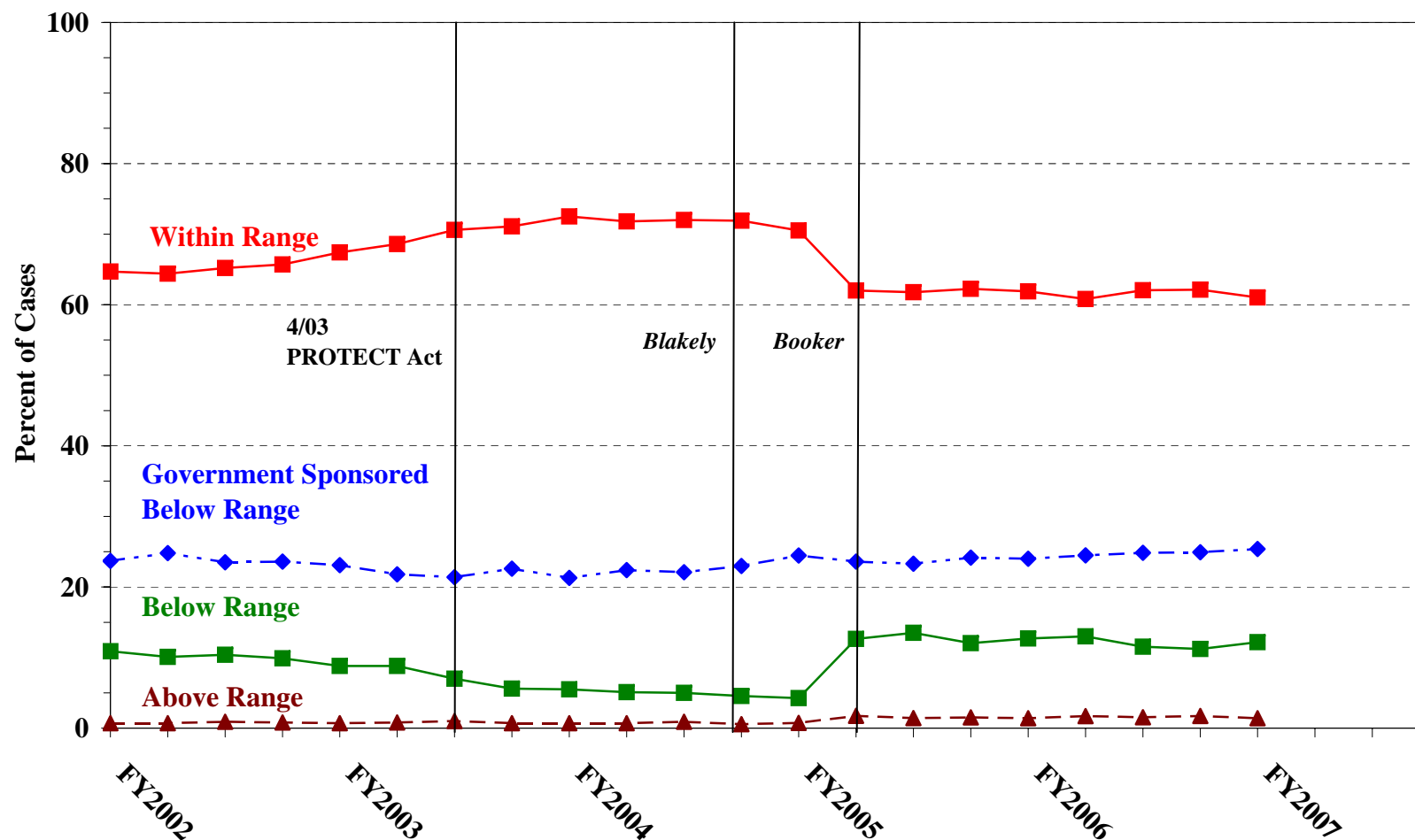
PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K1.3 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	2,268	14.5	1,212	7.8	485	3.1	431	2.8	248	1.6	1,045	6.7	180	1.2
Murder	2	13.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Manslaughter	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	2	10.5	0	0.0
Kidnapping/Hostage Taking	5	38.5	0	0.0	0	0.0	0	0.0	0	0.0	1	7.7	1	7.7
Sexual Abuse	0	0.0	0	0.0	7	13.0	1	1.9	1	1.9	3	5.6	0	0.0
Assault	0	0.0	2	2.0	14	14.3	2	2.0	4	4.1	8	8.2	0	0.0
Robbery	35	11.8	1	0.3	7	2.4	11	3.7	5	1.7	23	7.8	1	0.3
Arson	3	23.1	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	1,443	25.7	325	5.8	149	2.7	134	2.4	93	1.7	370	6.6	51	0.9
Drugs - Communication Facility	7	10.8	0	0.0	5	7.7	2	3.1	3	4.6	9	13.8	0	0.0
Drugs - Simple Possession	1	0.8	0	0.0	0	0.0	0	0.0	1	0.8	2	1.6	1	0.8
Firearms	213	11.8	11	0.6	37	2.1	58	3.2	38	2.1	135	7.5	22	1.2
Burglary/B&E	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Auto Theft	0	0.0	0	0.0	0	0.0	1	7.7	0	0.0	3	23.1	0	0.0
Larceny	25	6.6	1	0.3	7	1.8	11	2.9	2	0.5	22	5.8	9	2.4
Fraud	254	15.1	2	0.1	42	2.5	39	2.3	43	2.6	128	7.6	30	1.8
Embezzlement	5	5.0	0	0.0	2	2.0	2	2.0	2	2.0	8	7.9	1	1.0
Forgery/Counterfeiting	19	8.1	0	0.0	3	1.3	3	1.3	5	2.1	13	5.5	5	2.1
Bribery	11	25.6	0	0.0	2	4.7	1	2.3	0	0.0	6	14.0	1	2.3
Tax	20	16.5	0	0.0	6	5.0	7	5.8	1	0.8	21	17.4	3	2.5
Money Laundering	51	28.3	2	1.1	10	5.6	5	2.8	4	2.2	21	11.7	1	0.6
Racketeering/Extortion	34	25.4	0	0.0	16	11.9	4	3.0	2	1.5	10	7.5	3	2.2
Gambling/Lottery	3	18.8	0	0.0	0	0.0	0	0.0	0	0.0	4	25.0	1	6.3
Civil Rights	2	14.3	0	0.0	1	7.1	2	14.3	0	0.0	0	0.0	0	0.0
Immigration	65	1.7	864	23.3	135	3.6	119	3.2	23	0.6	145	3.9	32	0.9
Pornography/Prostitution	14	4.4	1	0.3	11	3.5	12	3.8	11	3.5	58	18.3	4	1.3
Prison Offenses	2	2.5	1	1.3	7	8.9	1	1.3	1	1.3	3	3.8	1	1.3
Administration of Justice Offenses	21	10.5	1	0.5	13	6.5	3	1.5	5	2.5	24	12.0	5	2.5
Environmental/Wildlife	4	12.5	0	0.0	0	0.0	2	6.3	0	0.0	6	18.8	1	3.1
National Defense	3	75.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	25.0
Antitrust	3	60.0	0	0.0	0	0.0	0	0.0	1	20.0	1	20.0	0	0.0
Food & Drug	1	5.9	0	0.0	2	11.8	0	0.0	0	0.0	1	5.9	0	0.0
Other Miscellaneous Offenses	22	9.5	1	0.4	9	3.9	11	4.8	3	1.3	18	7.8	6	2.6

¹Of the 16,176 cases, 539 were excluded due to one or both of the following reasons: missing primary offense (85) or missing information needed to determine the relationship between the sentence imposed and the guideline range (455). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through December 31, 2006).

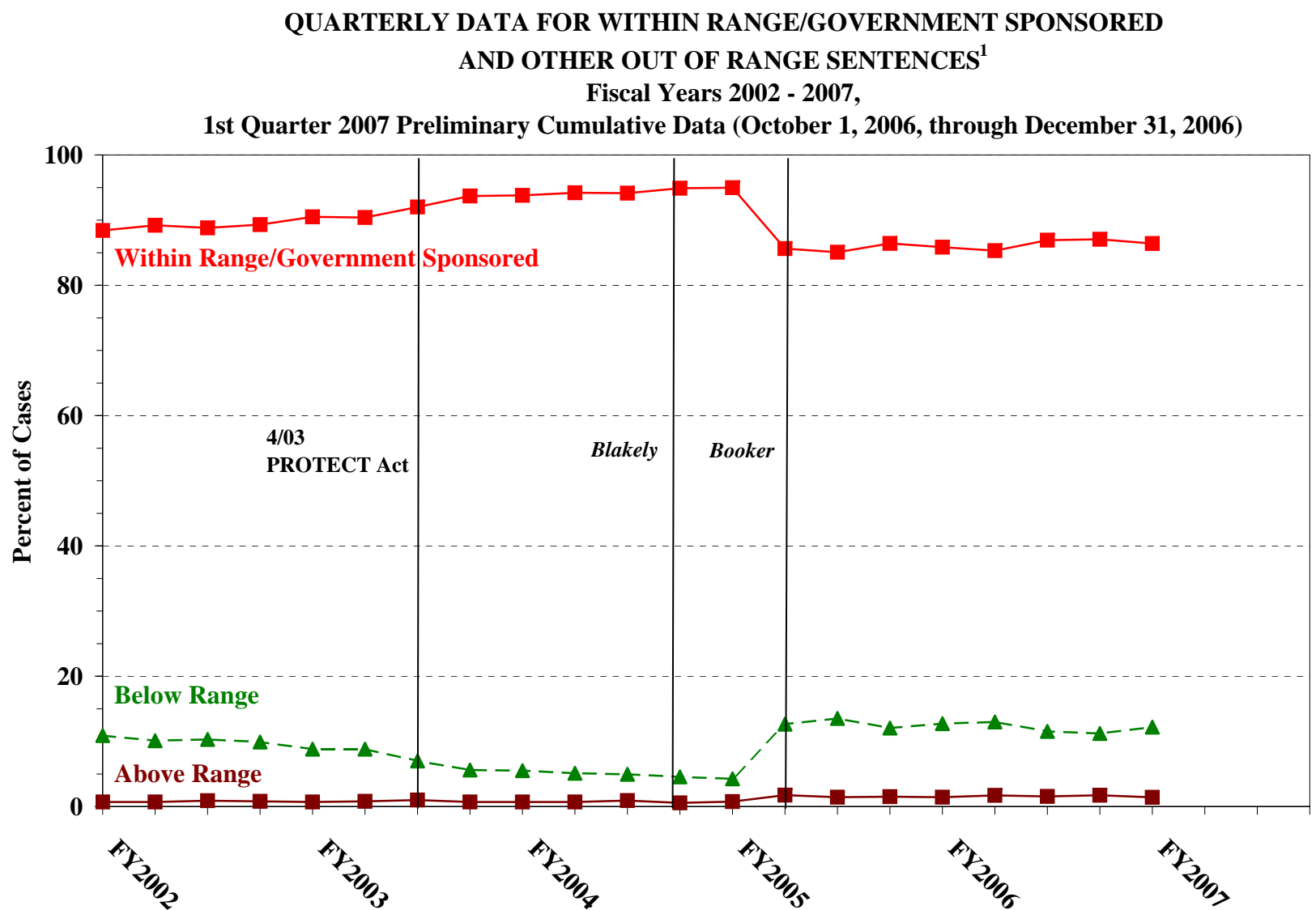
Figure A

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
Fiscal Years 2002 - 2007,
1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)



¹The Commission's methods for distinguishing government sponsored from other downward departures were refined beginning in Fiscal Year 2003. In Figures A and B, the rates for fiscal years before 2003 were calculated by combining several reported reasons for departure that indicated government sponsorship. (See 2003 DEPARTURES REPORT). In later years, plea agreements and the new Statement of Reasons form were scrutinized to more accurately identify government sponsored departures. Descriptions of variables used in this table are provided in Appendix A.

Figure B



¹The Commission's methods for distinguishing government sponsored from other downward departures were refined beginning in Fiscal Year 2003. In Figures A and B, the rates for fiscal years before 2003 were calculated by combining several reported reasons for departure that indicated government sponsorship. (See 2003 DEPARTURES REPORT). In later years, plea agreements and the new Statement of Reasons form were scrutinized to more accurately identify government sponsored departures. Descriptions of variables used in this table are provided in Appendix A.

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY SENTENCING GUIDELINE¹**

1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)[illegible]

[illegible]

Table 4 (cont.)

Guideline	Total	Within Guideline Range	Upward Departure		Above Range		Government Sponsored			Downward Departure		Below Range	
			Gdline Only	with Booker	with Booker	All Others	\$5K1.1	\$5K3.1	Other Gov't	Gdline Only	with Booker	with Booker	All Others
§2N1.3	1	1	0	0	0	0	0	0	0	0	0	0	0
§2N2.1	8	8	0	0	0	0	0	0	0	0	0	0	0
§2N3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.1	51	36	0	0	1	0	2	1	6	1	1	3	0
§2P1.2	24	22	1	0	0	0	0	0	0	0	0	0	1
§2P1.3	1	0	0	0	0	0	0	0	1	0	0	0	0
§2P1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.2	7	0	0	0	0	0	3	0	0	2	0	2	0
§2Q1.3	10	5	0	0	0	0	4	0	0	0	0	0	1
§2Q1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q2.1	17	11	0	0	0	0	1	0	0	1	0	4	0
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	4	0	0	0	0	0	3	0	0	0	0	1	0
§2S1.1	206	90	2	1	1	0	73	1	6	6	4	21	1
§2S1.2	4	0	0	0	0	0	4	0	0	0	0	0	0
§2S1.3	58	33	0	0	0	0	6	1	8	2	1	6	1
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	102	48	0	0	2	0	18	0	5	8	1	17	3
§2T1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.4	20	11	0	0	0	1	3	0	0	2	0	3	0
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	2	0	0	0	0	0	1	0	0	0	0	1	0
§2T1.7	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.8	1	1	0	0	0	0	0	0	0	0	0	0	0
§2T1.9	4	0	0	0	0	0	2	0	0	0	0	2	0
§2T2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T3.1	5	3	0	0	0	0	1	0	0	0	0	1	0
§2T3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T4.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X1.1	54	35	0	0	0	0	9	1	2	0	3	3	1
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	29	15	0	0	1	0	6	0	2	0	1	3	1
§2X4.1	94	62	0	0	3	0	9	1	4	2	0	11	2
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X5.2	7	6	0	0	1	0	0	0	0	0	0	0	0
TOTAL	15,073	9,076	61	36	108	13	2,238	1,201	456	426	246	1,036	176

¹Of the 16,176 cases, 1,103 were excluded due to one or both of the following reasons: missing information needed to determine the relationship between the sentence imposed and the guideline range (455) or missing guideline applied (948). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through December 31, 2006).

Table 5

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
IN EACH OUTSIDE OF THE RANGE ATTRIBUTION CATEGORIES¹
1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)**

	TOTAL CASES	Pursuant to a Plea Agreement									
		§5K1.1		§5K3.1		Binding Plea		Plea w/ Departure Court		Plea Agreement States Gov't	
		Plea Agreement		Plea Agreement		Accepted by Court		Finds Reasonable		Will Not Oppose	
		n	%	n	%	n	%	n	%	n	%
TOTAL	6,127	1,593	26.0	1,170	19.1	506	8.3	295	4.8	40	0.7
Above Range	221	1	0.5	1	0.5	32	14.5	20	9.0	0	0.0
Upward Departure From Guideline Range	62	0	0.0	1	1.6	10	16.1	5	8.1	0	0.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	36	1	2.8	0	0.0	4	11.1	10	27.8	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	109	0	0.0	0	0.0	18	16.5	5	4.6	0	0.0
All Remaining Cases Above Guideline Range	14	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Government Sponsored Below Range	3,991	1,592	39.9	1,169	29.3	474	11.9	275	6.9	40	1.0
§5K1.1 Substantial Assistance Departure	2,279	1,592	69.9	28	1.2	55	2.4	49	2.2	15	0.7
§5K3.1 Early Disposition Program Departure	1,219	0	0.0	1,141	93.6	196	16.1	59	4.8	2	0.2
Other Government Sponsored Below Range	493	0	0.0	0	0.0	223	45.2	167	33.9	23	4.7
Below Range	1,915	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure From Guideline Range	434	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	252	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	1,049	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	180	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 5 (cont.)

	Pursuant to a Motion Not in a Plea Agreement										Other than a Plea/Motion by Parties		No Information Available	
	§5K1.1 Government Motion		§5K3.1 Government Motion		Other Government Motion		Defense Motion/ Government Did Not Object		Defense Motion/ Government Did Object					
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	594	9.7	47	0.8	174	2.8	488	8.0	511	8.3	892	14.6	812	13.3
Above Range	0	0.0	0	0.0	18	8.1	4	1.8	0	0.0	106	48.0	59	26.7
Upward Departure From Guideline Range	0	0.0	0	0.0	10	16.1	1	1.6	0	0.0	21	33.9	15	24.2
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	6	16.7	3	8.3	0	0.0	21	58.3	10	27.8
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	2	1.8	0	0.0	0	0.0	64	58.7	20	18.3
All Remaining Cases Above Guideline Range	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	14	100.0
Government Sponsored Below Range	594	14.9	47	1.2	156	3.9	134	3.4	78	2.0	123	3.1	156	3.9
§5K1.1 Substantial Assistance Departure	594	26.1	3	0.1	86	3.8	49	2.2	30	1.3	64	2.8	108	4.7
§5K3.1 Early Disposition Program Departure	0	0.0	44	3.6	16	1.3	53	4.3	27	2.2	20	1.6	14	1.1
Other Government Sponsored Below Range	0	0.0	0	0.0	54	11.0	32	6.5	21	4.3	39	7.9	34	6.9
Below Range	0	0.0	0	0.0	0	0.0	350	18.3	433	22.6	663	34.6	597	31.2
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	123	28.3	94	21.7	125	28.8	103	23.7
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	68	27.0	91	36.1	139	55.2	57	22.6
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	145	13.8	244	23.3	394	37.6	279	26.6
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	14	7.8	4	2.2	5	2.8	158	87.8

¹Multiple attributions may be made on the SOR. Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 900 cases indicated more than one attribution. Note that only outside of the range cases are included in this table. Descriptions of variables used in this table are provided in Appendix A.

**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	2,131	36.0	28.0	46.6
Murder	2	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	4	180.0	51.5	17.2
Sexual Abuse	0	--	--	--
Assault	0	--	--	--
Robbery	35	43.0	21.2	35.3
Arson	2	--	--	--
Drugs - Trafficking	1,362	51.0	39.0	42.1
Drugs - Communication Facility	7	24.0	18.0	50.0
Drugs - Simple Possession	1	--	--	--
Firearms	198	41.0	27.0	46.0
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	24	3.1	12.5	80.5
Fraud	236	4.0	12.0	79.6
Embezzlement	5	0.0	24.0	100.0
Forgery/Counterfeiting	19	7.0	8.0	50.0
Bribery	11	14.0	10.0	48.6
Tax	19	0.0	10.0	100.0
Money Laundering	48	13.5	19.5	52.0
Racketeering/Extortion	28	28.0	23.5	44.5
Gambling/Lottery	2	--	--	--
Civil Rights	2	--	--	--
Immigration	59	12.0	10.0	48.2
Pornography/Prostitution	14	96.0	42.0	38.3
Prison Offenses	2	--	--	--
Administration of Justice Offenses	20	10.5	13.0	63.5
Environmental/Wildlife	4	0.0	16.5	100.0
National Defense	3	12.0	21.6	68.4
Antitrust	2	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	21	0.0	12.0	100.0

¹Of the 16,176 cases, 2,279 received a §5K1.1 substantial assistance departure. Of these, 2,161 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 23 cases were also excluded from this table. Furthermore, once case was excluded due to several logical criteria. Of the remaining 2,137 cases, six were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (6). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	1,152	21.0	8.0	27.8
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	2	--	--	--
Robbery	1	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	294	13.0	10.0	40.0
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	11	13.0	5.0	13.4
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	1	--	--	--
Fraud	1	--	--	--
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	1	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	837	24.0	7.0	26.0
Pornography/Prostitution	1	--	--	--
Prison Offenses	1	--	--	--
Administration of Justice Offenses	1	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

¹Of the 16,176 cases, 1,219 received a §5K3.1 early disposition program departure. Of these, 1,157 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional zero cases were also excluded from this table. Furthermore, three cases were excluded due to several logical criteria. Of the remaining 1,154 cases, two were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (2). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	444	24.0	11.0	33.2
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	7	18.0	24.0	60.9
Assault	12	16.0	7.0	40.7
Robbery	7	111.0	31.0	29.3
Arson	0	--	--	--
Drugs - Trafficking	140	63.0	19.0	26.2
Drugs - Communication Facility	5	30.0	18.0	37.5
Drugs - Simple Possession	0	--	--	--
Firearms	34	37.0	13.0	21.5
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	7	4.0	6.0	66.7
Fraud	40	4.4	10.0	59.2
Embezzlement	2	--	--	--
Forgery/Counterfeiting	3	12.1	10.0	43.2
Bribery	2	--	--	--
Tax	5	0.0	10.0	100.0
Money Laundering	8	2.6	10.4	66.7
Racketeering/Extortion	14	97.5	101.5	50.0
Gambling/Lottery	0	--	--	--
Civil Rights	1	--	--	--
Immigration	117	12.0	6.0	25.0
Pornography/Prostitution	10	60.0	28.5	30.2
Prison Offenses	7	6.0	9.0	51.4
Administration of Justice Offenses	12	10.0	11.4	40.6
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	2	--	--	--
Other Miscellaneous Offenses	9	0.0	6.3	100.0

¹Of the 16,176 cases, 493 received an other government sponsored downward departure. Of these, 447 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional two cases were also excluded from this table. Furthermore, once case was excluded due to several logical criteria. Of the remaining 444 cases, zero were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (0). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**DOWNWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	407	24.0	11.0	26.7
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	2	--	--	--
Robbery	10	27.0	12.5	32.4
Arson	0	--	--	--
Drugs - Trafficking	125	60.0	17.4	23.1
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	56	37.0	13.0	25.4
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	10	0.0	10.0	99.9
Fraud	36	12.0	10.0	57.9
Embezzlement	2	--	--	--
Forgery/Counterfeiting	3	16.0	7.0	46.7
Bribery	0	--	--	--
Tax	7	0.0	12.0	100.0
Money Laundering	5	52.0	26.0	33.3
Racketeering/Extortion	3	0.0	15.0	99.8
Gambling/Lottery	0	--	--	--
Civil Rights	2	--	--	--
Immigration	116	22.0	6.0	20.0
Pornography/Prostitution	12	83.5	21.0	16.4
Prison Offenses	1	--	--	--
Administration of Justice Offenses	1	--	--	--
Environmental/Wildlife	2	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	10	0.0	12.0	100.0

¹Of the 16,176 cases, 434 received a downward departure from the guideline range. Of these, 407 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional zero cases were also excluded from this table. Furthermore, zero cases were excluded due to several logical criteria. Of the remaining 407 cases, zero were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (0). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**DOWNWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	229	25.0	15.0	35.4
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	4	8.5	8.0	57.7
Robbery	4	36.0	16.5	27.7
Arson	0	--	--	--
Drugs - Trafficking	85	66.0	22.2	31.4
Drugs - Communication Facility	3	36.0	12.0	25.0
Drugs - Simple Possession	1	--	--	--
Firearms	34	26.0	12.5	24.7
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	2	--	--	--
Fraud	41	7.0	12.0	59.5
Embezzlement	2	--	--	--
Forgery/Counterfeiting	5	15.0	9.0	37.5
Bribery	0	--	--	--
Tax	1	--	--	--
Money Laundering	3	60.0	25.0	33.3
Racketeering/Extortion	2	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	21	16.0	16.0	41.5
Pornography/Prostitution	10	47.0	29.5	41.8
Prison Offenses	1	--	--	--
Administration of Justice Offenses	5	48.0	15.0	66.7
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	1	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	3	0.0	10.0	100.0

¹Of the 16,176 cases, 252 received a downward departure from the guideline range with *Booker*/18 U.S.C. § 3553. Of these, 231 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional once case was also excluded from this table. Furthermore, once case was excluded due to several logical criteria. Of the remaining 229 cases, zero were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (0). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**BELOW GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	990	27.0	12.0	32.7
Murder	0	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	1	--	--	--
Assault	8	9.0	9.0	41.7
Robbery	21	65.0	16.0	20.5
Arson	0	--	--	--
Drugs - Trafficking	355	63.0	17.0	21.7
Drugs - Communication Facility	7	18.0	12.0	33.2
Drugs - Simple Possession	2	--	--	--
Firearms	127	28.0	12.0	25.0
Burglary/B&E	0	--	--	--
Auto Theft	3	0.0	7.0	100.0
Larceny	20	0.5	10.0	94.8
Fraud	120	4.5	10.0	66.7
Embezzlement	8	0.0	11.0	99.7
Forgery/Counterfeiting	12	0.0	10.0	99.9
Bribery	6	0.0	8.0	100.0
Tax	20	6.0	9.5	59.1
Money Laundering	19	4.0	18.0	83.3
Racketeering/Extortion	10	29.0	10.0	33.3
Gambling/Lottery	4	0.0	12.0	100.0
Civil Rights	0	--	--	--
Immigration	140	24.0	10.0	27.4
Pornography/Prostitution	54	48.0	24.5	35.1
Prison Offenses	3	12.0	12.0	49.9
Administration of Justice Offenses	23	7.0	9.0	50.0
Environmental/Wildlife	5	0.0	6.0	100.0
National Defense	0	--	--	--
Antitrust	1	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	17	0.0	10.0	100.0

¹Of the 16,176 cases, 1,049 were sentenced below the guideline range with *Booker* /18 U.S.C § 3553. Of these, 1,001 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional seven cases were also excluded from this table. Furthermore, two cases were excluded due to several logical criteria. Of the remaining 992 cases, two were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (2). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ALL REMAINING BELOW GUIDELINE RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	156	12.0	6.0	49.3
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	0	--	--	--
Assault	0	--	--	--
Robbery	1	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	39	41.0	12.0	29.2
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	21	12.0	8.0	38.9
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	9	0.0	6.0	100.0
Fraud	25	0.0	6.0	100.0
Embezzlement	1	--	--	--
Forgery/Counterfeiting	5	0.0	6.0	100.0
Bribery	1	--	--	--
Tax	3	0.0	6.0	100.0
Money Laundering	1	--	--	--
Racketeering/Extortion	3	108.0	21.0	13.9
Gambling/Lottery	1	--	--	--
Civil Rights	0	--	--	--
Immigration	27	18.0	5.0	28.3
Pornography/Prostitution	4	72.5	31.5	39.6
Prison Offenses	1	--	--	--
Administration of Justice Offenses	5	18.0	4.6	19.6
Environmental/Wildlife	1	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	5	0.0	6.0	100.0

¹Of the 16,176 cases, 180 were otherwise sentenced below the guideline range. Of these, 162 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional four cases were also excluded from this table. Furthermore, once case was excluded due to several logical criteria. Of the remaining 157 cases, one was excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (1). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**UPWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	56	48.0	7.0	25.0
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	1	--	--	--
Robbery	1	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	8	94.0	23.5	30.6
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	6	93.5	8.5	14.7
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	2	--	--	--
Fraud	6	42.0	17.5	60.1
Embezzlement	0	--	--	--
Forgery/Counterfeiting	3	48.0	15.0	52.4
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	2	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	23	24.0	4.0	25.0
Pornography/Prostitution	2	--	--	--
Prison Offenses	1	--	--	--
Administration of Justice Offenses	0	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

¹Of the 16,176 cases, 62 received an upward departure from the guideline range. Of these, 59 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional once case was also excluded from this table. Furthermore, once case was excluded due to several logical criteria. Of the remaining 57 cases, one was excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (1). Note that the information presented in this table does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through December 31, 2006).

**UPWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	36	72.0	24.5	48.6
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	0	--	--	--
Robbery	1	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	5	240.0	65.0	37.1
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	7	48.0	9.0	29.7
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	0	--	--	--
Fraud	9	48.0	15.0	76.5
Embezzlement	0	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	6	66.0	31.0	97.3
Pornography/Prostitution	4	168.0	48.0	41.0
Prison Offenses	0	--	--	--
Administration of Justice Offenses	0	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

¹Of the 16,176 cases, 36 received an upward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 36 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional zero cases were also excluded from this table. Furthermore, zero cases were excluded due to several logical criteria. Of the remaining 36 cases, zero were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (0). Note that the information presented in this table does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ABOVE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	103	41.0	11.0	51.5
Murder	0	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	3	120.0	49.0	22.9
Assault	0	--	--	--
Robbery	4	120.0	45.0	43.0
Arson	0	--	--	--
Drugs - Trafficking	6	128.5	34.5	60.6
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	3	12.0	6.0	99.8
Firearms	10	108.0	9.0	41.3
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	3	36.0	15.0	71.4
Fraud	19	50.0	14.0	33.3
Embezzlement	1	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	1	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	39	18.0	7.0	85.7
Pornography/Prostitution	3	120.0	21.0	33.3
Prison Offenses	1	--	--	--
Administration of Justice Offenses	6	30.0	7.5	33.3
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	0	--	--	--

¹Of the 16,176 cases, 109 were sentenced above the guideline range with *Booker* /18 U.S.C § 3553. Of these, 105 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional zero cases were also excluded from this table. Furthermore, two cases were excluded due to several logical criteria. Of the remaining 103 cases, zero were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (0). Note that the information presented in this table does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ALL REMAINING ABOVE GUIDELINE RANGE CASES: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	8	60.0	14.0	22.4
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	0	--	--	--
Robbery	0	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	2	--	--	--
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	2	--	--	--
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	0	--	--	--
Fraud	1	--	--	--
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	1	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	2	--	--	--
Pornography/Prostitution	0	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	0	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	0	--	--	--

¹Of the 16,176 cases, 14 were otherwise sentenced above the guideline range. Of these, 12 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional zero cases were also excluded from this table. Furthermore, four cases were excluded due to several logical criteria. Of the remaining eight cases, zero were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (0). Note that the information presented in this table does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 17

OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence ²		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	15,965	14,215	89.0	13,731	86.0	484	3.0	1,750	11.0	608	3.8	1,142	7.2
Murder	15	15	100.0	15	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Manslaughter	19	19	100.0	19	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Kidnapping/Hostage Taking	13	13	100.0	13	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	55	49	89.1	48	87.3	1	1.8	6	10.9	2	3.6	4	7.3
Assault	109	93	85.3	86	78.9	7	6.4	16	14.7	9	8.3	7	6.4
Robbery	299	294	98.3	291	97.3	3	1.0	5	1.7	2	0.7	3	1.0
Arson	13	11	84.6	10	76.9	1	7.7	2	15.4	1	7.7	1	7.7
Drugs - Trafficking	5,648	5,502	97.4	5,376	95.2	126	2.2	146	2.6	59	1.0	87	1.5
Drugs - Communication Facility	67	53	79.1	53	79.1	0	0.0	14	20.9	5	7.5	9	13.4
Drugs - Simple Possession	136	58	42.6	56	41.2	2	1.5	78	57.4	8	5.9	70	51.5
Firearms	1,802	1,689	93.7	1,645	91.3	44	2.4	113	6.3	53	2.9	60	3.3
Burglary/B&E	7	7	100.0	6	85.7	1	14.3	0	0.0	0	0.0	0	0.0
Auto Theft	14	10	71.4	8	57.1	2	14.3	4	28.6	2	14.3	2	14.3
Larceny	389	174	44.7	154	39.6	20	5.1	215	55.3	71	18.3	144	37.0
Fraud	1,707	1,224	71.7	1,082	63.4	142	8.3	483	28.3	192	11.2	291	17.0
Embezzlement	101	55	54.5	41	40.6	14	13.9	46	45.5	15	14.9	31	30.7
Forgery/Counterfeiting	240	178	74.2	164	68.3	14	5.8	62	25.8	33	13.8	29	12.1
Bribery	44	29	65.9	25	56.8	4	9.1	15	34.1	9	20.5	6	13.6
Tax	127	72	56.7	61	48.0	11	8.7	55	43.3	24	18.9	31	24.4
Money Laundering	183	152	83.1	143	78.1	9	4.9	31	16.9	16	8.7	15	8.2
Racketeering/Extortion	136	126	92.6	124	91.2	2	1.5	10	7.4	5	3.7	5	3.7
Gambling/Lottery	17	1	5.9	1	5.9	0	0.0	16	94.1	9	52.9	7	41.2
Civil Rights	16	8	50.0	8	50.0	0	0.0	8	50.0	5	31.3	3	18.8
Immigration	3,792	3,693	97.4	3,645	96.1	48	1.3	99	2.6	21	0.6	78	2.1
Pornography/Prostitution	323	314	97.2	312	96.6	2	0.6	9	2.8	4	1.2	5	1.5
Prison Offenses	80	76	95.0	71	88.8	5	6.3	4	5.0	1	1.3	3	3.8
Administration of Justice Offenses	207	153	73.9	146	70.5	7	3.4	54	26.1	17	8.2	37	17.9
Environmental/Wildlife	31	9	29.0	6	19.4	3	9.7	22	71.0	5	16.1	17	54.8
National Defense	4	3	75.0	3	75.0	0	0.0	1	25.0	1	25.0	0	0.0
Antitrust	5	4	80.0	3	60.0	1	20.0	1	20.0	0	0.0	1	20.0
Food & Drug	13	8	61.5	6	46.2	2	15.4	5	38.5	0	0.0	5	38.5
Other Miscellaneous Offenses	353	123	34.8	110	31.2	13	3.7	230	65.2	39	11.0	191	54.1

¹Of the 16,176 cases, 211 were excluded due to one or more of the following reasons: the offender received neither imprisonment nor probation (89), missing primary offense category (85), or missing sentencing information (120). Descriptions of variables used in this table are provided in Appendix A.

²Prison/Community Split Sentence includes all cases in which offenders received prison and conditions of confinement as defined in USSG §5C1.1.

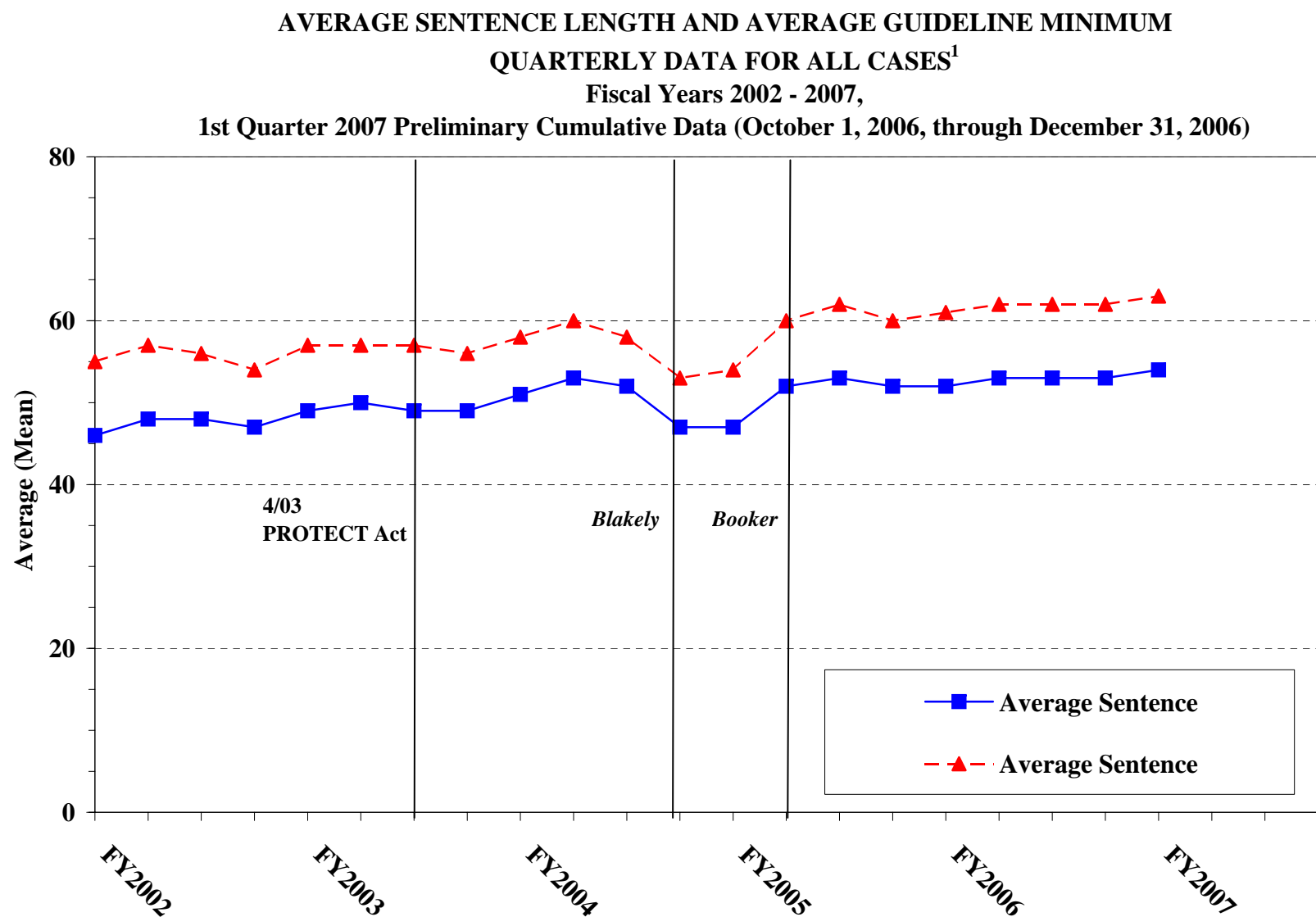
Table 18

AVERAGE SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)

PRIMARY OFFENSE	Mean Months	Median Months	Number
TOTAL	53.2	30.0	16,054
Murder	331.1	470.0	15
Manslaughter	49.6	42.0	19
Kidnapping/Hostage Taking	193.1	228.0	13
Sexual Abuse	97.5	51.0	55
Assault	32.3	19.0	111
Robbery	88.8	70.0	299
Arson	74.5	60.0	13
Drugs - Trafficking	84.6	60.0	5,649
Drugs - Communication Facility	36.6	36.0	67
Drugs - Simple Possession	5.8	0.0	148
Firearms	75.4	51.0	1,804
Burglary/B&E	26.7	22.0	7
Auto Theft	50.4	14.0	14
Larceny	9.0	4.0	414
Fraud	20.5	10.0	1,716
Embezzlement	12.5	4.0	102
Forgery/Counterfeiting	16.5	12.0	241
Bribery	22.3	12.0	44
Tax	13.7	10.0	127
Money Laundering	32.7	21.0	183
Racketeering/Extortion	89.7	60.0	136
Gambling/Lottery	4.1	6.0	17
Civil Rights	25.8	9.0	16
Immigration	22.6	18.0	3,793
Pornography/Prostitution	100.5	78.0	323
Prison Offenses	14.2	12.0	80
Administration of Justice Offenses	19.4	12.0	207
Environmental/Wildlife	5.6	0.0	36
National Defense	11.1	10.2	4
Antitrust	30.4	10.0	5
Food & Drug	11.2	0.0	17
Other Miscellaneous Offenses	5.2	0.0	379

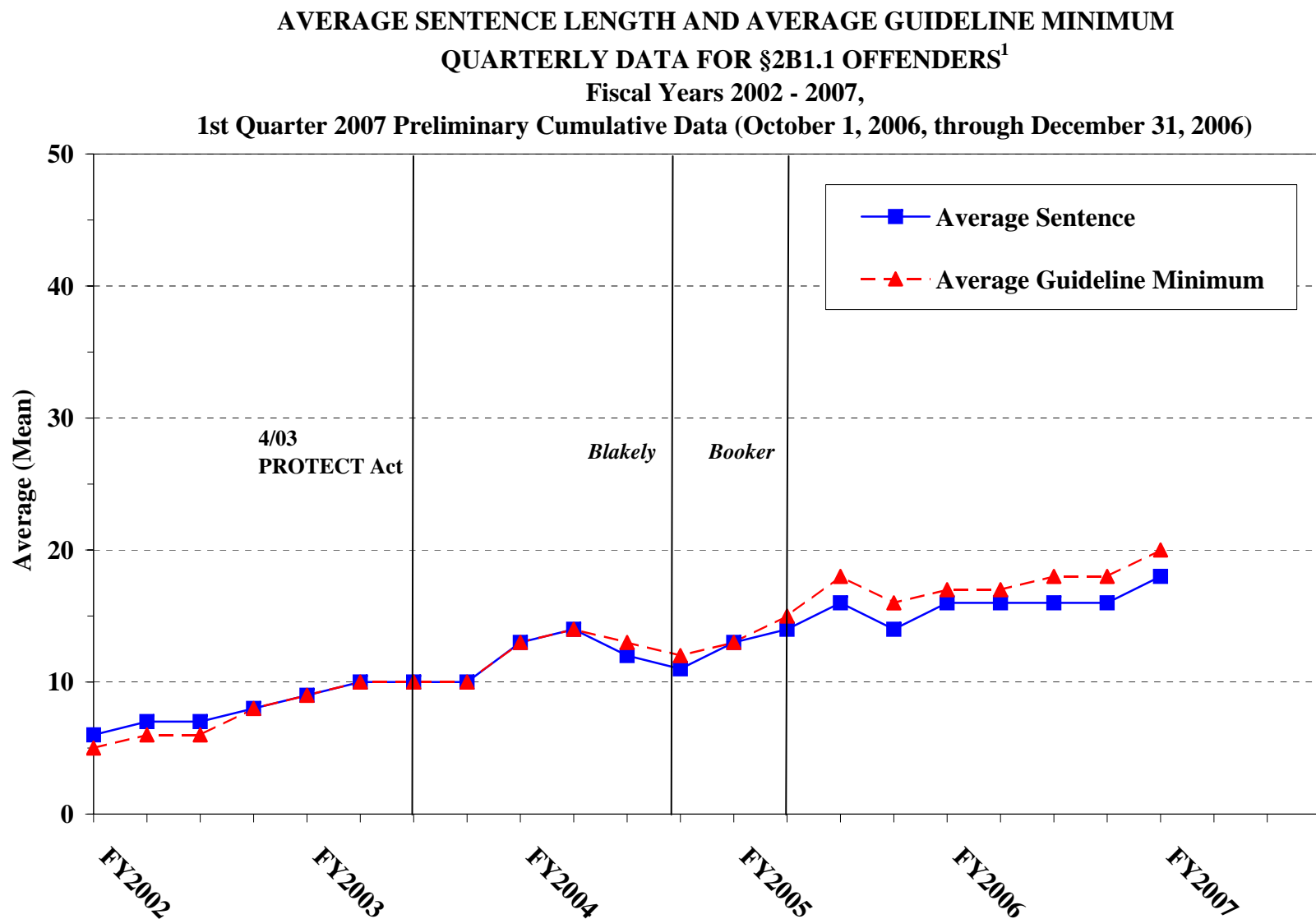
¹Of the 16,176 cases, 122 were excluded due to one or both of the following reasons: missing primary offense (85) or missing or indeterminable sentencing information (120). Sentences of probation only are included in this table as zero months of imprisonment. In addition, the information presented in this table includes time of confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Figure C



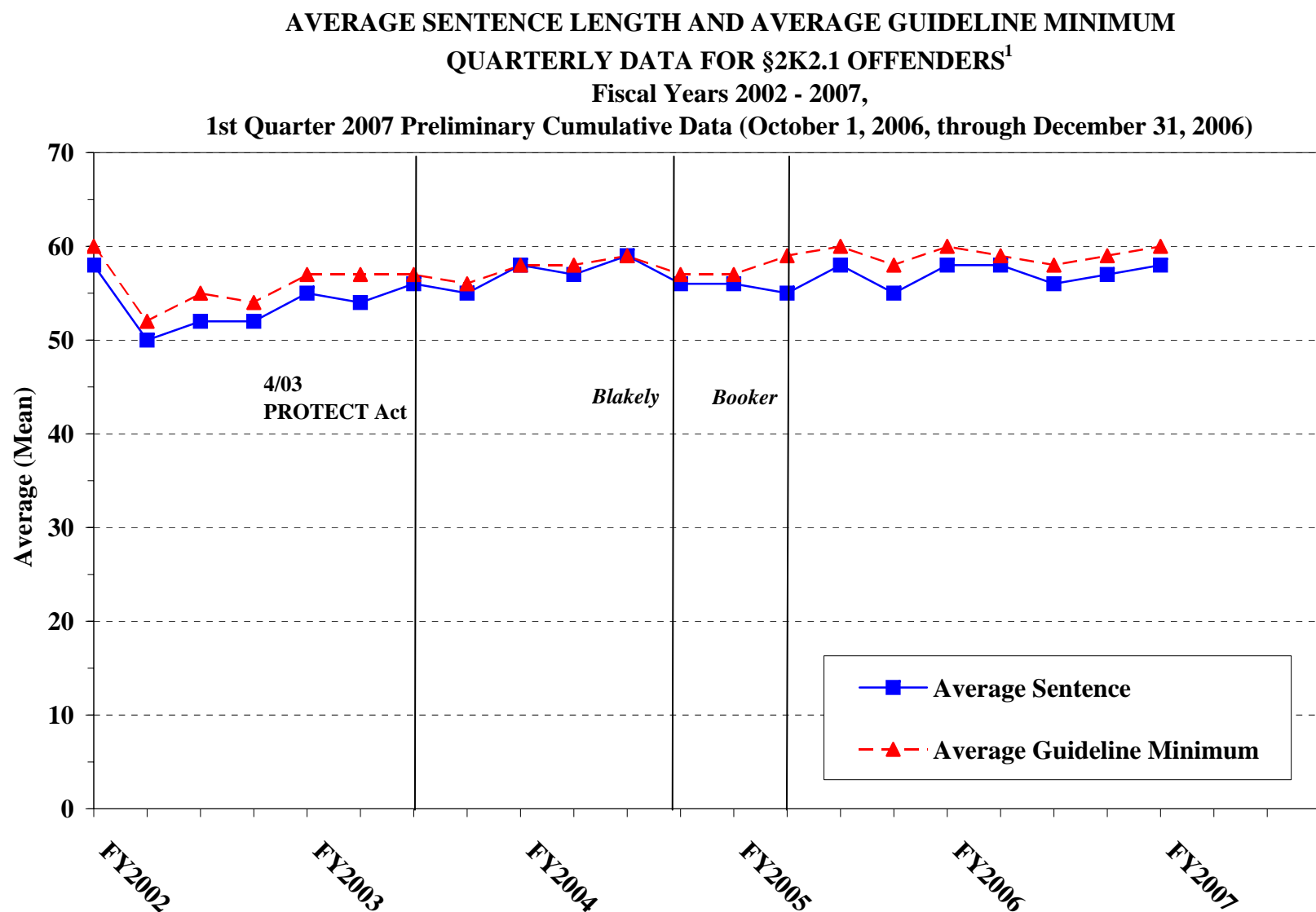
¹Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Figure D



¹Figure includes only cases with a primary sentencing guideline of USSG §2B1.1. Additionally, cases with an amendment year prior to 2001 were excluded from this figure because prior to this time fraud cases were reported separately as USSG §2F1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

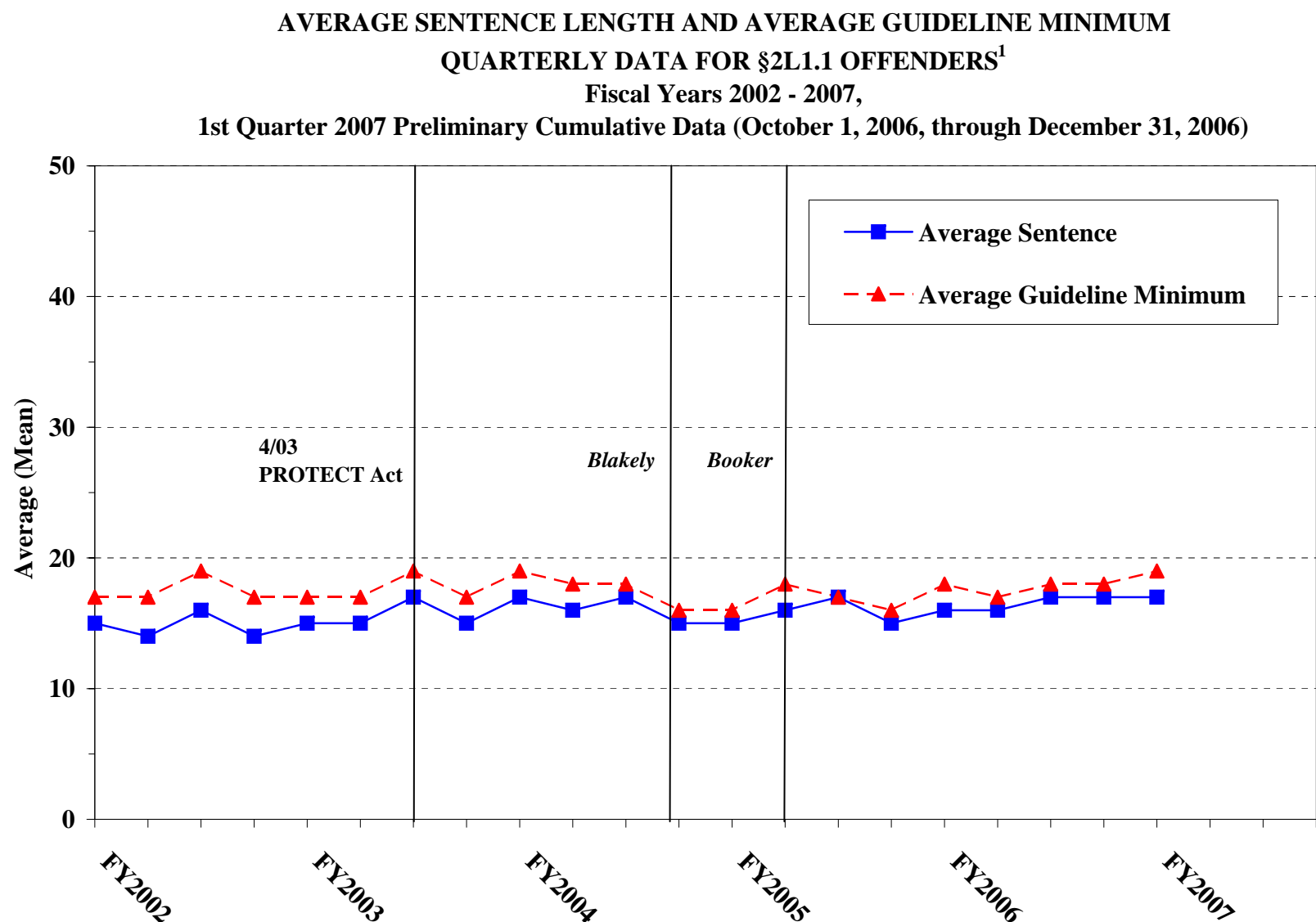
Figure E



¹Figure includes only cases with a primary sentencing guideline of USSG §2K2.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2002 - 2006 Datafiles, USSCFY02 - USSCFY06, and Preliminary Data from USSCFY07 (October 1, 2006, through December 31, 2006).

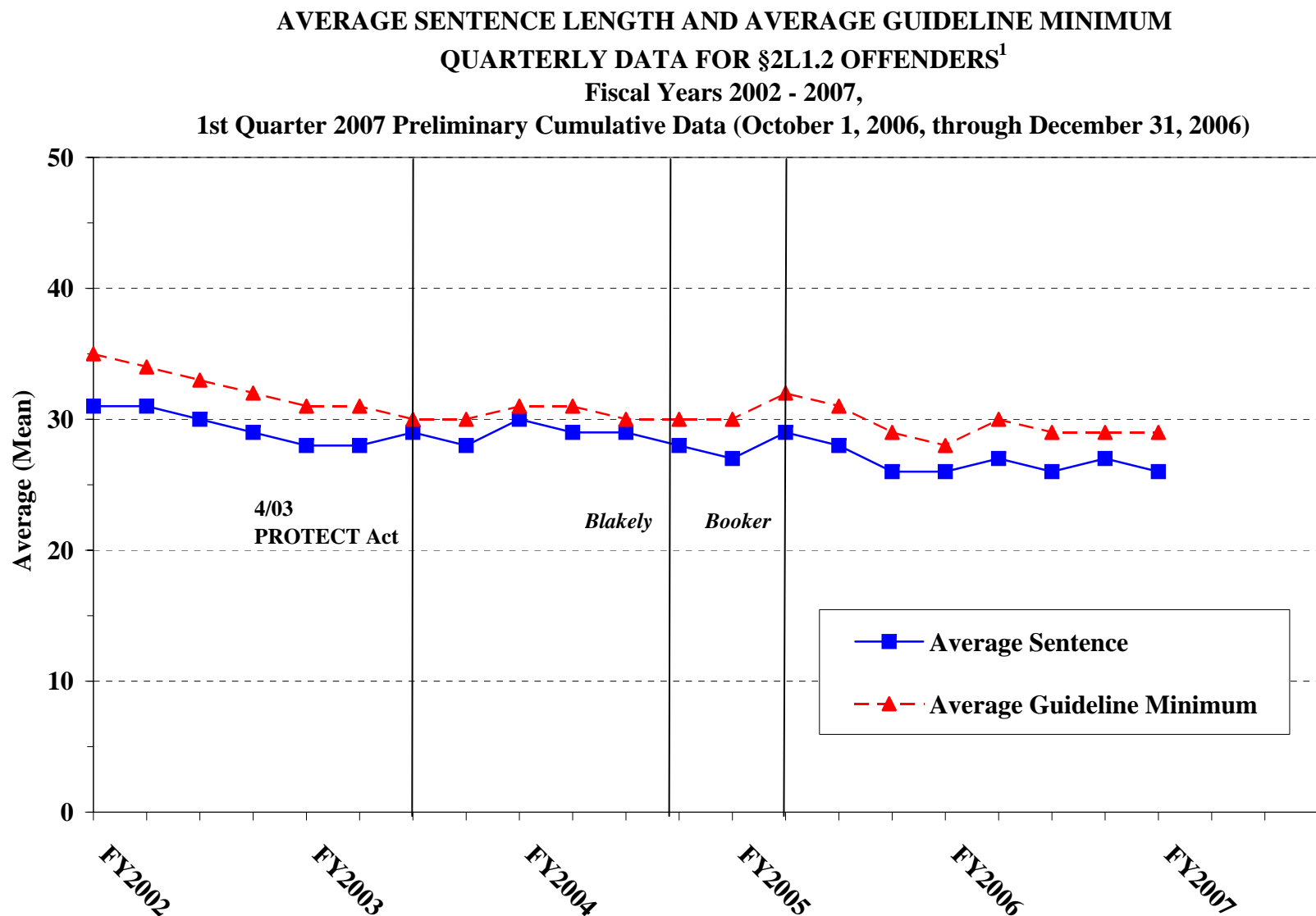
Figure F



¹Figure includes only cases with a primary sentencing guideline of USSG §2L1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2002 - 2006 Datafiles, USSCFY02 - USSCFY06, and Preliminary Data from USSCFY07 (October 1, 2006, through December 31, 2006).

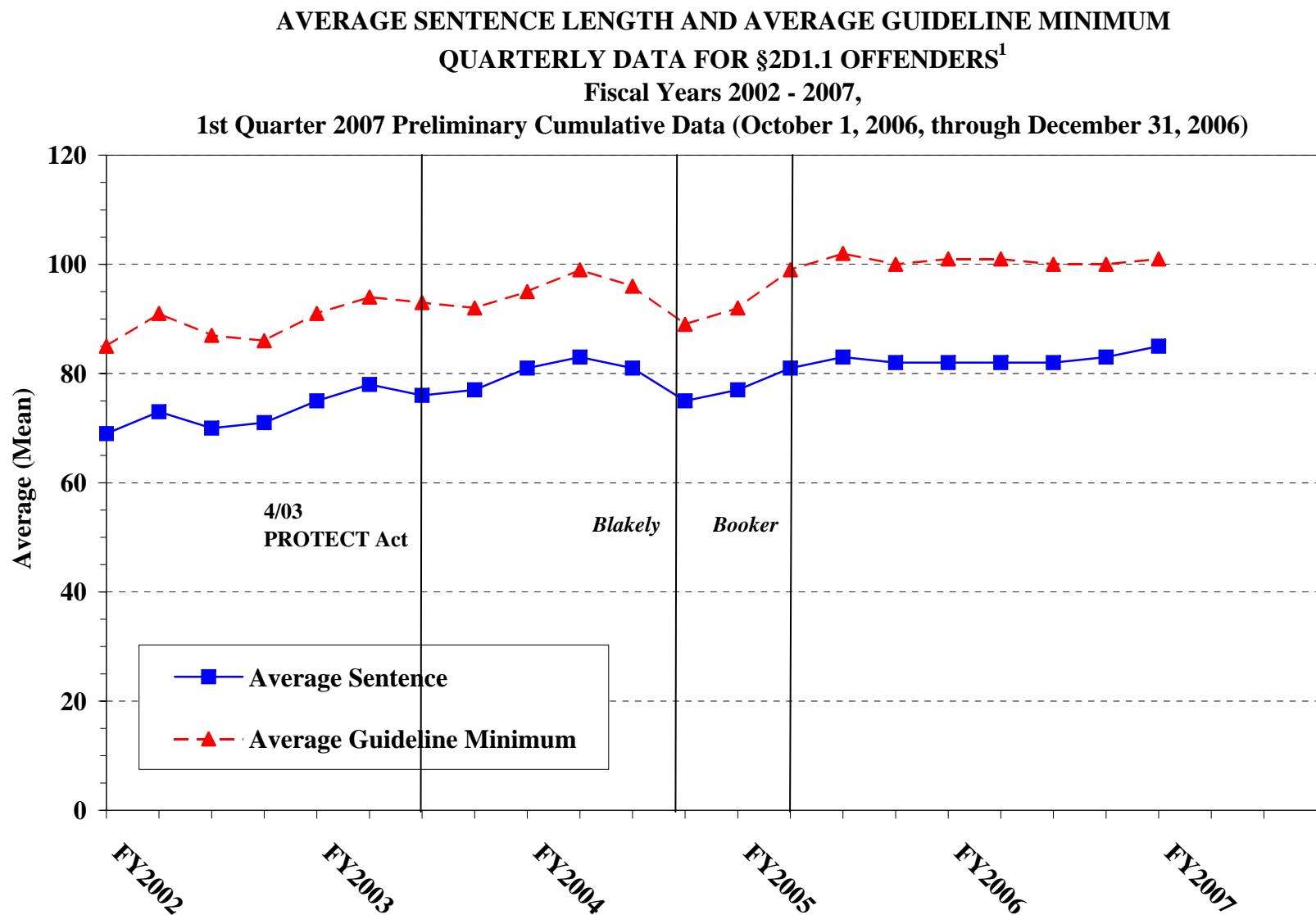
Figure G



¹Figure includes only cases with a primary sentencing guideline of USSG §2L2.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2002 - 2006 Datafiles, USSCFY02 - USSCFY06, and Preliminary Data from USSCFY07 (October 1, 2006, through December 31, 2006).

Figure H

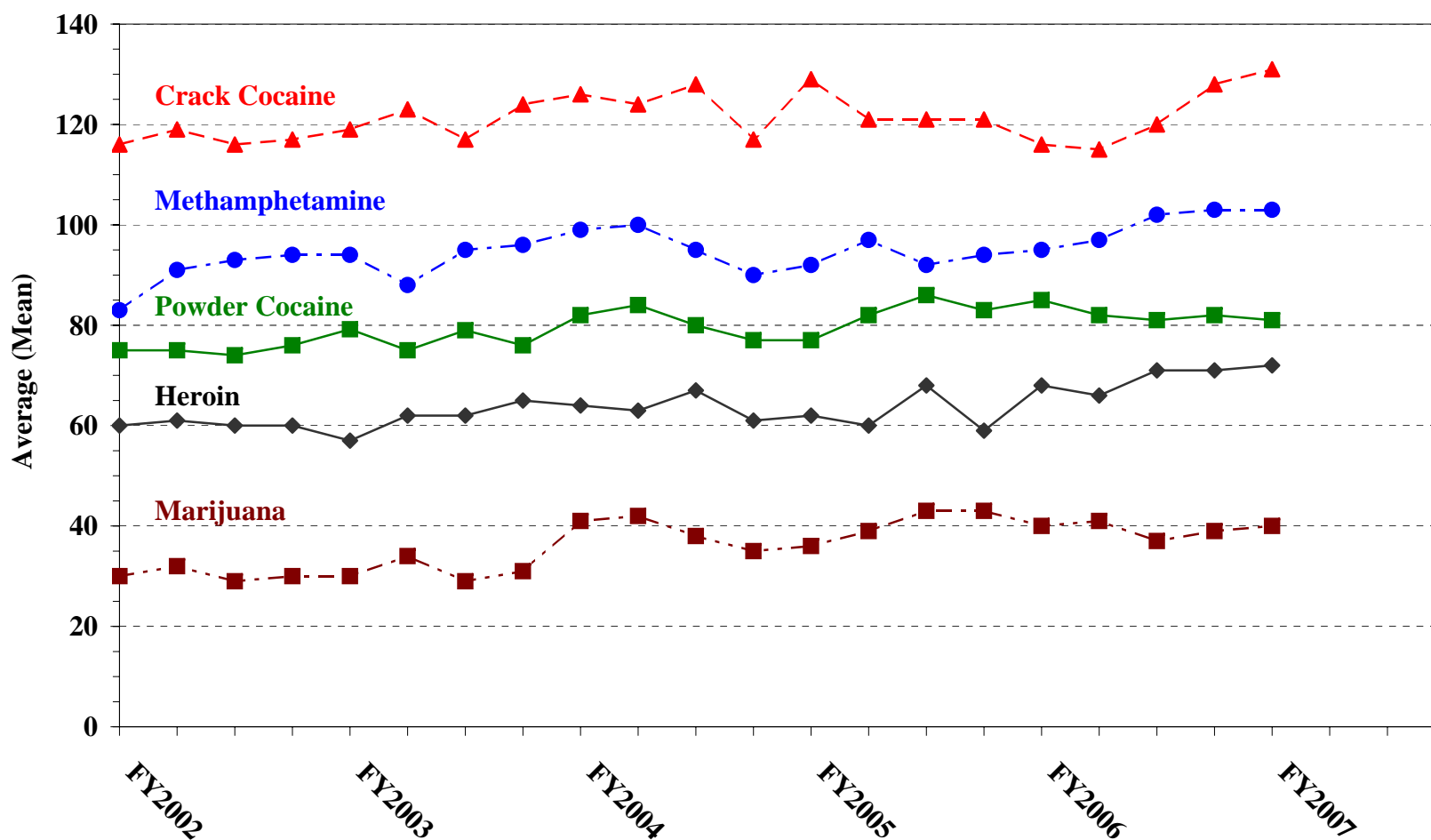


¹Figure includes only cases with a primary sentencing guideline of USSG §2D1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2002 - 2006 Datafiles, USSCFY02 - USSCFY06, and Preliminary Data from USSCFY07 (October 1, 2006, through December 31, 2006).

Figure I

AVERAGE SENTENCE LENGTH FOR EACH DRUG TYPE¹
Fiscal Years 2002 - 2007,
1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)



¹Only cases sentenced under USSG §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession) are depicted in this figure. Figure includes only cases with a primary sentencing guideline of USSG §2D1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

**WITHIN RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS
IN EACH PRIMARY OFFENSE CATEGORY¹**

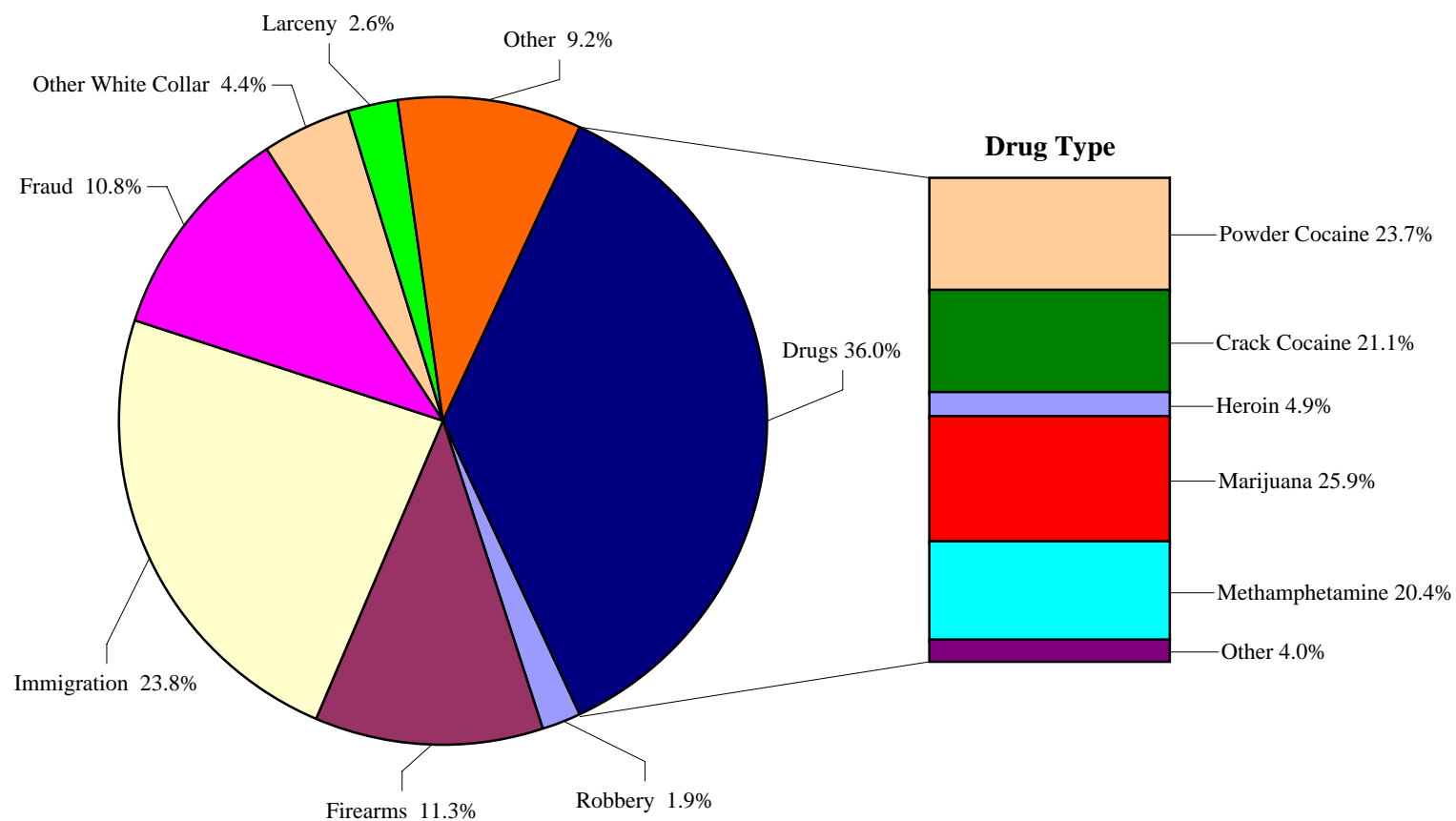
1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)

PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		n	%	n	%	n	%	n	%	n	%
TOTAL	7,788	4,557	58.5	1,258	16.2	609	7.8	565	7.3	799	10.3
Murder	6	3	50.0	1	16.7	0	0.0	1	16.7	1	16.7
Manslaughter	13	1	7.7	3	23.1	2	15.4	1	7.7	6	46.2
Kidnapping/Hostage Taking	6	4	66.7	2	33.3	0	0.0	0	0.0	0	0.0
Sexual Abuse	30	12	40.0	2	6.7	2	6.7	5	16.7	9	30.0
Assault	50	27	54.0	5	10.0	6	12.0	5	10.0	7	14.0
Robbery	185	95	51.4	37	20.0	18	9.7	19	10.3	16	8.6
Arson	8	7	87.5	1	12.5	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	2,521	1,814	72.0	342	13.6	128	5.1	91	3.6	146	5.8
Drugs - Communication Facility	11	9	81.8	1	9.1	0	0.0	0	0.0	1	9.1
Drugs - Simple Possession	60	38	63.3	10	16.7	3	5.0	3	5.0	6	10.0
Firearms	1,031	580	56.3	145	14.1	96	9.3	67	6.5	143	13.9
Burglary/B&E	7	1	14.3	2	28.6	1	14.3	1	14.3	2	28.6
Auto Theft	8	3	37.5	3	37.5	0	0.0	1	12.5	1	12.5
Larceny	231	157	68.0	24	10.4	17	7.4	11	4.8	22	9.5
Fraud	916	522	57.0	139	15.2	60	6.6	86	9.4	109	11.9
Embezzlement	71	50	70.4	15	21.1	1	1.4	1	1.4	4	5.6
Forgery/Counterfeiting	166	78	47.0	22	13.3	21	12.7	10	6.0	35	21.1
Bribery	17	7	41.2	4	23.5	2	11.8	2	11.8	2	11.8
Tax	50	30	60.0	8	16.0	4	8.0	4	8.0	4	8.0
Money Laundering	71	41	57.7	14	19.7	3	4.2	9	12.7	4	5.6
Racketeering/Extortion	41	20	48.8	10	24.4	4	9.8	1	2.4	6	14.6
Gambling/Lottery	7	6	85.7	1	14.3	0	0.0	0	0.0	0	0.0
Civil Rights	8	7	87.5	0	0.0	1	12.5	0	0.0	0	0.0
Immigration	1,855	792	42.7	417	22.5	220	11.9	215	11.6	211	11.4
Pornography/Prostitution	149	88	59.1	13	8.7	9	6.0	13	8.7	26	17.4
Prison Offenses	55	25	45.5	10	18.2	4	7.3	2	3.6	14	25.5
Administration of Justice Offenses	102	52	51.0	15	14.7	5	4.9	14	13.7	16	15.7
Environmental/Wildlife	11	10	90.9	1	9.1	0	0.0	0	0.0	0	0.0
National Defense	0	0	--	0	--	0	--	0	--	0	--
Antitrust	0	0	--	0	--	0	--	0	--	0	--
Food & Drug	11	8	72.7	2	18.2	0	0.0	0	0.0	1	9.1
Other Miscellaneous Offenses	91	70	76.9	9	9.9	2	2.2	3	3.3	7	7.7

¹Of the 16,176 cases, 9,594 were sentenced within the applicable guideline range. Of those, 8,659 had complete guideline application information. An additional 496 cases were excluded due to several logical criteria. Of the remaining 8,163 cases, 375 were excluded due to one or both of the following reasons: missing primary offense category (0) or missing point in range information (375). Descriptions of variables used in this table are provided in Appendix A.

Figure J

DISTRIBUTION OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)



¹Of the 16,176 guideline cases, 85 were excluded due to missing primary offense category. An additional 130 of the 5,876 drug cases were excluded due to missing drug type. The Drug category includes the following offense types: Trafficking, Use of a Communication Facility, and Simple Possession. The Non-Fraud White Collar category includes the following offense types: Embezzlement, Forgery/Counterfeiting, Bribery, Money Laundering, and Tax. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through December 31, 2006).

Table 20

GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)

PRIMARY OFFENSE	Number	Percent
TOTAL	16,091	100.0
Murder	15	0.1
Manslaughter	19	0.1
Kidnapping/Hostage Taking	13	0.1
Sexual Abuse	55	0.3
Assault	112	0.7
Robbery	300	1.9
Arson	13	0.1
Drugs - Trafficking	5,660	35.2
Drugs - Communication Facility	68	0.4
Drugs - Simple Possession	148	0.9
Firearms	1,806	11.2
Burglary/B&E	7	0.0
Auto Theft	14	0.1
Larceny	416	2.6
Fraud	1,720	10.7
Embezzlement	102	0.6
Forgery/Counterfeiting	243	1.5
Bribery	44	0.3
Tax	127	0.8
Money Laundering	183	1.1
Racketeering/Extortion	136	0.8
Gambling/Lottery	17	0.1
Civil Rights	16	0.1
Immigration	3,804	23.6
Pornography/Prostitution	324	2.0
Prison Offenses	81	0.5
Administration of Justice Offenses	207	1.3
Environmental/Wildlife	36	0.2
National Defense	4	0.0
Antitrust	5	0.0
Food & Drug	17	0.1
Other Miscellaneous Offenses	379	2.4

¹Of the 16,176 cases, 85 were excluded due to missing information on primary offense category. Descriptions of variables used in this table are provided in Appendix A.

Table 21

GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)

PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
TOTAL	16,090	15,453	96.0	637	4.0
Murder	15	9	60.0	6	40.0
Manslaughter	19	16	84.2	3	15.8
Kidnapping/Hostage Taking	13	10	76.9	3	23.1
Sexual Abuse	55	47	85.5	8	14.5
Assault	112	100	89.3	12	10.7
Robbery	300	283	94.3	17	5.7
Arson	13	11	84.6	2	15.4
Drugs - Trafficking	5,660	5,434	96.0	226	4.0
Drugs - Communication Facility	68	68	100.0	0	0.0
Drugs - Simple Possession	148	145	98.0	3	2.0
Firearms	1,806	1,682	93.1	124	6.9
Burglary/B&E	7	6	85.7	1	14.3
Auto Theft	14	13	92.9	1	7.1
Larceny	416	407	97.8	9	2.2
Fraud	1,719	1,645	95.7	74	4.3
Embezzlement	102	100	98.0	2	2.0
Forgery/Counterfeiting	243	239	98.4	4	1.6
Bribery	44	42	95.5	2	4.5
Tax	127	118	92.9	9	7.1
Money Laundering	183	170	92.9	13	7.1
Racketeering/Extortion	136	122	89.7	14	10.3
Gambling/Lottery	17	17	100.0	0	0.0
Civil Rights	16	16	100.0	0	0.0
Immigration	3,804	3,758	98.8	46	1.2
Pornography/Prostitution	324	306	94.4	18	5.6
Prison Offenses	81	78	96.3	3	3.7
Administration of Justice Offenses	207	189	91.3	18	8.7
Environmental/Wildlife	36	35	97.2	1	2.8
National Defense	4	4	100.0	0	0.0
Antitrust	5	5	100.0	0	0.0
Food & Drug	17	17	100.0	0	0.0
Other Miscellaneous Offenses	379	361	95.3	18	4.7

¹Of the 16,176 cases, 86 were excluded due to one or both of the following reasons: missing primary offense category (85) or missing information on mode of conviction (85). Descriptions of variables used in this table are provided in Appendix A.

Table 22

AGE, RACE, AND GENDER OF OFFENDERS¹
1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)

Gender and Age	White		Black		Hispanic		Other	
	n	%	n	%	n	%	n	%
Males	3,685	100.0	3,276	100.0	5,757	100.0	499	100.0
Under 21	89	2.4	95	2.9	303	5.3	25	5.0
21 - 25	428	11.6	628	19.2	1,027	17.8	94	18.8
26 - 30	511	13.9	783	23.9	1,274	22.1	94	18.8
31 - 35	537	14.6	709	21.6	1,123	19.5	84	16.8
36 - 40	487	13.2	430	13.1	849	14.7	68	13.6
41 - 50	926	25.1	444	13.6	905	15.7	95	19.0
Over 50	707	19.2	187	5.7	276	4.8	39	7.8
Females	854	100.0	500	100.0	578	100.0	110	100.0
Under 21	21	2.5	14	2.8	39	6.7	2	1.8
21 - 25	131	15.3	88	17.6	107	18.5	15	13.6
26 - 30	129	15.1	92	18.4	104	18.0	23	20.9
31 - 35	124	14.5	74	14.8	111	19.2	20	18.2
36 - 40	121	14.2	81	16.2	81	14.0	12	10.9
41 - 50	215	25.2	94	18.8	102	17.6	24	21.8
Over 50	113	13.2	57	11.4	34	5.9	14	12.7

¹Of the 16,176 cases, 917 were excluded due to one or more of the following reasons: missing race (805), missing gender (517), or missing age (255). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through December 31, 2006).

Table 23

DOCUMENT SUBMISSION RATE OF EACH CIRCUIT AND DISTRICT¹
1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)

CIRCUIT District	Number of Cases	Total Requested Documents				Judgment and Commitment Order				Statement of Reasons			
		Received		Not Received		Received		Not Received		Received		Not Received	
		n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	16,176	75,116	98.1	1,465	1.9	16,065	99.3	111	0.7	15,664	96.8	512	3.2
D.C. CIRCUIT	143	701	99.9	1	0.1	143	100.0	0	0.0	142	99.3	1	0.7
District of Columbia	143	701	99.9	1	0.1	143	100.0	0	0.0	142	99.3	1	0.7
FIRST CIRCUIT	348	1,579	99.2	12	0.8	348	100.0	0	0.0	345	99.1	3	0.9
Maine	38	166	99.4	1	0.6	38	100.0	0	0.0	38	100.0	0	0.0
Massachusetts	124	540	99.1	5	0.9	124	100.0	0	0.0	123	99.2	1	0.8
New Hampshire	45	218	98.2	4	1.8	45	100.0	0	0.0	44	97.8	1	2.2
Puerto Rico	114	530	100.0	0	0.0	114	100.0	0	0.0	114	100.0	0	0.0
Rhode Island	27	125	98.4	2	1.6	27	100.0	0	0.0	26	96.3	1	3.7
SECOND CIRCUIT	883	4,186	99.2	32	0.8	883	100.0	0	0.0	876	99.2	7	0.8
Connecticut	76	376	100.0	0	0.0	76	100.0	0	0.0	76	100.0	0	0.0
New York													
Eastern	265	1,289	99.9	1	0.1	265	100.0	0	0.0	265	100.0	0	0.0
Northern	85	393	97.8	9	2.2	85	100.0	0	0.0	82	96.5	3	3.5
Southern	243	1,089	98.8	13	1.2	243	100.0	0	0.0	239	98.4	4	1.6
Western	184	889	99.0	9	1.0	184	100.0	0	0.0	184	100.0	0	0.0
Vermont	30	150	100.0	0	0.0	30	100.0	0	0.0	30	100.0	0	0.0
THIRD CIRCUIT	682	3,265	99.0	34	1.0	681	99.9	1	0.1	674	98.8	8	1.2
Delaware	10	49	100.0	0	0.0	10	100.0	0	0.0	10	100.0	0	0.0
New Jersey	205	999	98.7	13	1.3	205	100.0	0	0.0	204	99.5	1	0.5
Pennsylvania													
Eastern	155	720	98.0	15	2.0	154	99.4	1	0.6	148	95.5	7	4.5
Middle	157	777	100.0	0	0.0	157	100.0	0	0.0	157	100.0	0	0.0
Western	127	590	99.2	5	0.8	127	100.0	0	0.0	127	100.0	0	0.0
Virgin Islands	28	130	99.2	1	0.8	28	100.0	0	0.0	28	100.0	0	0.0
FOURTH CIRCUIT	1,515	6,956	97.7	161	2.3	1,510	99.7	5	0.3	1,428	94.3	87	5.7
Maryland	163	754	97.8	17	2.2	163	100.0	0	0.0	150	92.0	13	8.0
North Carolina													
Eastern	153	701	99.7	2	0.3	153	100.0	0	0.0	151	98.7	2	1.3
Middle	106	511	99.4	3	0.6	106	100.0	0	0.0	106	100.0	0	0.0
Western	141	658	99.4	4	0.6	141	100.0	0	0.0	139	98.6	2	1.4
South Carolina	302	1,400	98.9	15	1.1	301	99.7	1	0.3	296	98.0	6	2.0
Virginia													
Eastern	389	1,651	93.3	119	6.7	385	99.0	4	1.0	325	83.5	64	16.5
Western	114	559	100.0	0	0.0	114	100.0	0	0.0	114	100.0	0	0.0
West Virginia													
Northern	78	385	99.7	1	0.3	78	100.0	0	0.0	78	100.0	0	0.0
Southern	69	337	100.0	0	0.0	69	100.0	0	0.0	69	100.0	0	0.0

Table 23 (cont.)

CIRCUIT District	Plea Agreement ²						Indictment/Information				Presentence Report					
	Received		Not Received		No Written Plea/Trial		Received		Not Received		Received		Not Received		Waived	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	12,057	75.2	367	2.3	3,603	22.5	15,915	98.4	261	1.6	15,415	95.3	214	1.3	547	3.4
D.C. CIRCUIT	131	91.6	0	0.0	12	8.4	143	100.0	0	0.0	142	99.3	0	0.0	1	0.7
District of Columbia	131	91.6	0	0.0	12	8.4	143	100.0	0	0.0	142	99.3	0	0.0	1	0.7
FIRST CIRCUIT	203	59.2	8	2.3	132	38.5	347	99.7	1	0.3	336	96.6	0	0.0	12	3.4
Maine	14	36.8	1	2.6	23	60.5	38	100.0	0	0.0	38	100.0	0	0.0	0	0.0
Massachusetts	47	38.5	4	3.3	71	58.2	124	100.0	0	0.0	122	98.4	0	0.0	2	1.6
New Hampshire	40	88.9	2	4.4	3	6.7	44	97.8	1	2.2	45	100.0	0	0.0	0	0.0
Puerto Rico	84	75.7	0	0.0	27	24.3	114	100.0	0	0.0	104	91.2	0	0.0	10	8.8
Rhode Island	18	66.7	1	3.7	8	29.6	27	100.0	0	0.0	27	100.0	0	0.0	0	0.0
SECOND CIRCUIT	700	80.4	9	1.0	162	18.6	874	99.0	9	1.0	853	96.6	7	0.8	23	2.6
Connecticut	72	94.7	0	0.0	4	5.3	76	100.0	0	0.0	76	100.0	0	0.0	0	0.0
New York																
Eastern	230	87.1	1	0.4	33	12.5	265	100.0	0	0.0	264	99.6	0	0.0	1	0.4
Northern	63	75.0	2	2.4	19	22.6	84	98.8	1	1.2	79	92.9	3	3.5	3	3.5
Southern	126	54.1	5	2.1	102	43.8	241	99.2	2	0.8	240	98.8	2	0.8	1	0.4
Western	179	97.3	1	0.5	4	2.2	178	96.7	6	3.3	164	89.1	2	1.1	18	9.8
Vermont	30	100.0	0	0.0	0	0.0	30	100.0	0	0.0	30	100.0	0	0.0	0	0.0
THIRD CIRCUIT	571	84.2	7	1.0	100	14.7	667	97.8	15	2.2	672	98.5	3	0.4	7	1.0
Delaware	9	90.0	0	0.0	1	10.0	10	100.0	0	0.0	10	100.0	0	0.0	0	0.0
New Jersey	190	93.1	3	1.5	11	5.4	198	96.6	7	3.4	202	98.5	2	1.0	1	0.5
Pennsylvania																
Eastern	115	74.7	1	0.6	38	24.7	150	96.8	5	3.2	153	98.7	1	0.6	1	0.6
Middle	150	95.5	0	0.0	7	4.5	157	100.0	0	0.0	156	99.4	0	0.0	1	0.6
Western	89	71.2	2	1.6	34	27.2	124	97.6	3	2.4	123	96.9	0	0.0	4	3.1
Virgin Islands	18	64.3	1	3.6	9	32.1	28	100.0	0	0.0	28	100.0	0	0.0	0	0.0
FOURTH CIRCUIT	1,137	76.0	18	1.2	342	22.8	1,473	97.2	42	2.8	1,408	92.9	9	0.6	98	6.5
Maryland	130	81.8	0	0.0	29	18.2	161	98.8	2	1.2	150	92.0	2	1.2	11	6.7
North Carolina																
Eastern	100	66.7	0	0.0	50	33.3	153	100.0	0	0.0	144	94.1	0	0.0	9	5.9
Middle	95	89.6	1	0.9	10	9.4	105	99.1	1	0.9	99	93.4	1	0.9	6	5.7
Western	98	70.5	1	0.7	40	28.8	141	100.0	0	0.0	139	98.6	1	0.7	1	0.7
South Carolina	207	69.5	4	1.3	87	29.2	300	99.3	2	0.7	296	98.0	2	0.7	4	1.3
Virginia																
Eastern	267	69.4	11	2.9	107	27.8	352	90.5	37	9.5	322	82.8	3	0.8	64	16.5
Western	103	90.4	0	0.0	11	9.6	114	100.0	0	0.0	114	100.0	0	0.0	0	0.0
West Virginia																
Northern	73	93.6	1	1.3	4	5.1	78	100.0	0	0.0	78	100.0	0	0.0	0	0.0
Southern	64	94.1	0	0.0	4	5.9	69	100.0	0	0.0	66	95.7	0	0.0	3	4.3

Table 23 (cont.)

CIRCUIT District	Number of Cases	Total Requested Documents				Judgment and Commitment Order				Statement of Reasons			
		Received		Not Received		Received		Not Received		Received		Not Received	
		n	%	n	%	n	%	n	%	n	%	n	%
FIFTH CIRCUIT	3,385	15,470	98.9	172	1.1	3,367	99.5	18	0.5	3,362	99.3	23	0.7
Louisiana													
Eastern	98	392	87.3	57	12.7	84	85.7	14	14.3	97	99.0	1	1.0
Middle	45	219	100.0	0	0.0	45	100.0	0	0.0	45	100.0	0	0.0
Western	117	567	99.8	1	0.2	117	100.0	0	0.0	116	99.1	1	0.9
Mississippi													
Northern	33	162	98.2	3	1.8	33	100.0	0	0.0	32	97.0	1	3.0
Southern	108	527	99.2	4	0.8	108	100.0	0	0.0	107	99.1	1	0.9
Texas													
Eastern	281	1,365	99.6	5	0.4	280	99.6	1	0.4	281	100.0	0	0.0
Northern	233	1,080	99.9	1	0.1	233	100.0	0	0.0	232	99.6	1	0.4
Southern	1,280	5,907	99.4	33	0.6	1,279	99.9	1	0.1	1,277	99.8	3	0.2
Western	1,190	5,251	98.7	68	1.3	1,188	99.8	2	0.2	1,175	98.7	15	1.3
SIXTH CIRCUIT	1,252	5,907	98.8	74	1.2	1,252	100.0	0	0.0	1,229	98.2	23	1.8
Kentucky													
Eastern	144	696	99.7	2	0.3	144	100.0	0	0.0	144	100.0	0	0.0
Western	79	341	98.6	5	1.4	79	100.0	0	0.0	78	98.7	1	1.3
Michigan													
Eastern	203	980	99.6	4	0.4	203	100.0	0	0.0	202	99.5	1	0.5
Western	115	542	97.8	12	2.2	115	100.0	0	0.0	112	97.4	3	2.6
Ohio													
Northern	263	1,239	98.0	25	2.0	263	100.0	0	0.0	262	99.6	1	0.4
Southern	129	623	98.6	9	1.4	129	100.0	0	0.0	121	93.8	8	6.2
Tennessee													
Eastern	116	528	98.9	6	1.1	116	100.0	0	0.0	115	99.1	1	0.9
Middle	74	346	97.2	10	2.8	74	100.0	0	0.0	66	89.2	8	10.8
Western	129	612	99.8	1	0.2	129	100.0	0	0.0	129	100.0	0	0.0
SEVENTH CIRCUIT	724	3,473	99.3	25	0.7	722	99.7	2	0.3	718	99.2	6	0.8
Illinois													
Central	62	287	100.0	0	0.0	62	100.0	0	0.0	62	100.0	0	0.0
Northern	205	963	98.1	19	1.9	203	99.0	2	1.0	199	97.1	6	2.9
Southern	101	488	99.8	1	0.2	101	100.0	0	0.0	101	100.0	0	0.0
Indiana													
Northern	101	490	100.0	0	0.0	101	100.0	0	0.0	101	100.0	0	0.0
Southern	85	415	100.0	0	0.0	85	100.0	0	0.0	85	100.0	0	0.0
Wisconsin													
Eastern	116	569	99.8	1	0.2	116	100.0	0	0.0	116	100.0	0	0.0
Western	54	261	98.5	4	1.5	54	100.0	0	0.0	54	100.0	0	0.0
EIGHTH CIRCUIT	1,161	5,510	99.5	30	0.5	1,160	99.9	1	0.1	1,155	99.5	6	0.5
Arkansas													
Eastern	63	297	99.0	3	1.0	63	100.0	0	0.0	63	100.0	0	0.0
Western	43	210	99.1	2	0.9	43	100.0	0	0.0	43	100.0	0	0.0
Iowa													
Northern	144	663	99.8	1	0.2	144	100.0	0	0.0	144	100.0	0	0.0
Southern	83	385	99.0	4	1.0	83	100.0	0	0.0	83	100.0	0	0.0
Minnesota	98	478	99.8	1	0.2	98	100.0	0	0.0	97	99.0	1	1.0
Missouri													
Eastern	226	1,115	99.4	7	0.6	225	99.6	1	0.4	222	98.2	4	1.8
Western	182	828	99.4	5	0.6	182	100.0	0	0.0	182	100.0	0	0.0
Nebraska	170	838	100.0	0	0.0	170	100.0	0	0.0	170	100.0	0	0.0
North Dakota	36	163	99.4	1	0.6	36	100.0	0	0.0	36	100.0	0	0.0
South Dakota	116	533	98.9	6	1.1	116	100.0	0	0.0	115	99.1	1	0.9

Table 23 (cont.)

CIRCUIT District	Plea Agreement ²						Indictment/Information				Presentence Report					
	Received		Not Received		No Written Plea/Trial		Received		Not Received		Received		Not Received		Waived	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
FIFTH CIRCUIT	2,108	62.6	80	2.4	1,182	35.1	3,355	99.1	30	0.9	3,278	96.8	21	0.6	86	2.5
Louisiana																
Eastern	43	44.3	14	14.4	40	41.2	84	85.7	14	14.3	84	85.7	14	14.3	0	0.0
Middle	39	86.7	0	0.0	6	13.3	45	100.0	0	0.0	45	100.0	0	0.0	0	0.0
Western	105	90.5	0	0.0	11	9.5	117	100.0	0	0.0	112	95.7	0	0.0	5	4.3
Mississippi																
Northern	32	97.0	1	3.0	0	0.0	32	97.0	1	3.0	33	100.0	0	0.0	0	0.0
Southern	97	89.8	2	1.9	9	8.3	107	99.1	1	0.9	108	100.0	0	0.0	0	0.0
Texas																
Eastern	245	87.2	2	0.7	34	12.1	280	99.6	1	0.4	279	99.3	1	0.4	1	0.4
Northern	150	64.4	0	0.0	83	35.6	233	100.0	0	0.0	232	99.6	0	0.0	1	0.4
Southern	817	64.1	23	1.8	435	34.1	1,276	99.7	4	0.3	1,258	98.3	2	0.2	20	1.6
Western	580	49.1	38	3.2	564	47.7	1,181	99.2	9	0.8	1,127	94.7	4	0.3	59	5.0
SIXTH CIRCUIT	981	78.7	37	3.0	228	18.3	1,244	99.4	8	0.6	1,201	95.9	6	0.5	45	3.6
Kentucky																
Eastern	123	86.0	1	0.7	19	13.3	143	99.3	1	0.7	142	98.6	0	0.0	2	1.4
Western	48	63.2	4	5.3	24	31.6	79	100.0	0	0.0	57	72.2	0	0.0	22	27.8
Michigan																
Eastern	170	83.7	3	1.5	30	14.8	203	100.0	0	0.0	202	99.5	0	0.0	1	0.5
Western	93	80.9	3	2.6	19	16.5	113	98.3	2	1.7	109	94.8	4	3.5	2	1.7
Ohio																
Northern	191	72.9	21	8.0	50	19.1	261	99.2	2	0.8	262	99.6	1	0.4	0	0.0
Southern	119	92.2	1	0.8	9	7.0	129	100.0	0	0.0	125	96.9	0	0.0	4	3.1
Tennessee																
Eastern	68	58.6	2	1.7	46	39.7	114	98.3	2	1.7	115	99.1	1	0.9	0	0.0
Middle	70	94.6	1	1.4	3	4.1	73	98.6	1	1.4	63	85.1	0	0.0	11	14.9
Western	99	77.3	1	0.8	28	21.9	129	100.0	0	0.0	126	97.7	0	0.0	3	2.3
SEVENTH CIRCUIT	593	82.0	12	1.7	118	16.3	720	99.4	4	0.6	720	99.4	1	0.1	3	0.4
Illinois																
Central	39	62.9	0	0.0	23	37.1	62	100.0	0	0.0	62	100.0	0	0.0	0	0.0
Northern	153	75.0	9	4.4	42	20.6	204	99.5	1	0.5	204	99.5	1	0.5	0	0.0
Southern	86	85.1	1	1.0	14	13.9	101	100.0	0	0.0	99	98.0	0	0.0	2	2.0
Indiana																
Northern	86	85.1	0	0.0	15	14.9	101	100.0	0	0.0	101	100.0	0	0.0	0	0.0
Southern	75	88.2	0	0.0	10	11.8	85	100.0	0	0.0	85	100.0	0	0.0	0	0.0
Wisconsin																
Eastern	105	90.5	1	0.9	10	8.6	116	100.0	0	0.0	116	100.0	0	0.0	0	0.0
Western	49	90.7	1	1.9	4	7.4	51	94.4	3	5.6	53	98.1	0	0.0	1	1.9
EIGHTH CIRCUIT	896	77.3	12	1.0	251	21.7	1,154	99.4	7	0.6	1,145	98.6	4	0.3	12	1.0
Arkansas																
Eastern	46	73.0	2	3.2	15	23.8	63	100.0	0	0.0	62	98.4	1	1.6	0	0.0
Western	41	95.3	0	0.0	2	4.7	41	95.3	2	4.7	42	97.7	0	0.0	1	2.3
Iowa																
Northern	90	62.5	0	0.0	54	37.5	143	99.3	1	0.7	142	98.6	0	0.0	2	1.4
Southern	57	69.5	2	2.4	23	28.0	82	98.8	1	1.2	80	96.4	1	1.2	2	2.4
Minnesota	94	95.9	0	0.0	4	4.1	98	100.0	0	0.0	91	92.9	0	0.0	7	7.1
Missouri																
Eastern	217	96.0	1	0.4	8	3.5	226	100.0	0	0.0	225	99.6	1	0.4	0	0.0
Western	102	56.0	3	1.6	77	42.3	180	98.9	2	1.1	182	100.0	0	0.0	0	0.0
Nebraska	158	92.9	0	0.0	12	7.1	170	100.0	0	0.0	170	100.0	0	0.0	0	0.0
North Dakota	19	52.8	1	2.8	16	44.4	36	100.0	0	0.0	36	100.0	0	0.0	0	0.0
South Dakota	72	62.6	3	2.6	40	34.8	115	99.1	1	0.9	115	99.1	1	0.9	0	0.0

Table 23 (cont.)

CIRCUIT District	Number of Cases	Total Requested Documents				Judgment and Commitment Order				Statement of Reasons			
		Received		Not Received		Received		Not Received		Received		Not Received	
		n	%	n	%	n	%	n	%	n	%	n	%
NINTH CIRCUIT	2,957	13,644	95.3	667	4.7	2,875	97.2	82	2.8	2,701	91.3	256	8.7
Alaska	29	130	97.0	4	3.0	29	100.0	0	0.0	25	86.2	4	13.8
Arizona	869	4,230	99.2	36	0.8	868	99.9	1	0.1	846	97.4	23	2.6
California													
Central	332	1,159	72.0	450	28.0	265	79.8	67	20.2	159	47.9	173	52.1
Eastern	220	1,062	99.3	7	0.7	219	99.5	1	0.5	218	99.1	2	0.9
Northern	125	585	97.7	14	2.3	125	100.0	0	0.0	123	98.4	2	1.6
Southern	635	2,954	96.5	107	3.5	626	98.6	9	1.4	594	93.5	41	6.5
Guam	5	23	100.0	0	0.0	5	100.0	0	0.0	5	100.0	0	0.0
Hawaii	84	376	96.9	12	3.1	84	100.0	0	0.0	82	97.6	2	2.4
Idaho	48	230	97.9	5	2.1	47	97.9	1	2.1	47	97.9	1	2.1
Montana	91	426	98.2	8	1.8	91	100.0	0	0.0	85	93.4	6	6.6
Nevada	149	705	99.2	6	0.8	148	99.3	1	0.7	147	98.7	2	1.3
Northern Mariana Islands	3	14	100.0	0	0.0	3	100.0	0	0.0	3	100.0	0	0.0
Oregon	109	528	98.9	6	1.1	107	98.2	2	1.8	109	100.0	0	0.0
Washington													
Eastern	94	438	98.4	7	1.6	94	100.0	0	0.0	94	100.0	0	0.0
Western	164	784	99.4	5	0.6	164	100.0	0	0.0	164	100.0	0	0.0
TENTH CIRCUIT	1,456	6,845	98.8	81	1.2	1,456	100.0	0	0.0	1,423	97.7	33	2.3
Colorado	142	685	98.4	11	1.6	142	100.0	0	0.0	137	96.5	5	3.5
Kansas	186	904	99.1	8	0.9	186	100.0	0	0.0	184	98.9	2	1.1
New Mexico	646	2,997	99.4	18	0.6	646	100.0	0	0.0	641	99.2	5	0.8
Oklahoma													
Eastern	18	78	98.7	1	1.3	18	100.0	0	0.0	18	100.0	0	0.0
Northern	53	246	99.2	2	0.8	53	100.0	0	0.0	53	100.0	0	0.0
Western	73	293	87.7	41	12.3	73	100.0	0	0.0	52	71.2	21	28.8
Utah	252	1,231	100.0	0	0.0	252	100.0	0	0.0	252	100.0	0	0.0
Wyoming	86	411	100.0	0	0.0	86	100.0	0	0.0	86	100.0	0	0.0
ELEVENTH CIRCUIT	1,670	7,580	97.7	176	2.3	1,668	99.9	2	0.1	1,611	96.5	59	3.5
Alabama													
Middle	56	274	99.6	1	0.4	56	100.0	0	0.0	56	100.0	0	0.0
Northern	116	551	99.6	2	0.4	116	100.0	0	0.0	116	100.0	0	0.0
Southern	73	344	99.7	1	0.3	73	100.0	0	0.0	73	100.0	0	0.0
Florida													
Middle	425	1,897	96.1	78	3.9	425	100.0	0	0.0	425	100.0	0	0.0
Northern	108	500	98.8	6	1.2	108	100.0	0	0.0	103	95.4	5	4.6
Southern	498	2,273	98.1	43	1.9	496	99.6	2	0.4	473	95.0	25	5.0
Georgia													
Middle	134	564	93.5	39	6.5	134	100.0	0	0.0	105	78.4	29	21.6
Northern	147	709	99.7	2	0.3	147	100.0	0	0.0	147	100.0	0	0.0
Southern	113	468	99.2	4	0.8	113	100.0	0	0.0	113	100.0	0	0.0

Table 23 (cont.)

CIRCUIT District	Plea Agreement ²						Indictment/Information				Presentence Report					
	Received		Not Received		No Written Plea/Trial		Received		Not Received		Received		Not Received		Waived	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
NINTH CIRCUIT	2,498	84.9	116	3.9	329	11.2	2,852	96.4	105	3.6	2,718	91.9	108	3.7	131	4.4
Alaska	19	65.5	0	0.0	10	34.5	29	100.0	0	0.0	28	96.6	0	0.0	1	3.4
Arizona	797	92.2	6	0.7	61	7.1	865	99.5	4	0.5	854	98.3	2	0.2	13	1.5
California																
Central	212	64.0	75	22.7	44	13.3	255	76.8	77	23.2	268	80.7	58	17.5	6	1.8
Eastern	187	85.0	2	0.9	31	14.1	219	99.5	1	0.5	219	99.5	1	0.5	0	0.0
Northern	104	84.6	4	3.3	15	12.2	121	96.8	4	3.2	112	89.6	4	3.2	9	7.2
Southern	570	90.0	7	1.1	56	8.8	622	98.0	13	2.0	542	85.4	37	5.8	56	8.8
Guam	3	60.0	0	0.0	2	40.0	5	100.0	0	0.0	5	100.0	0	0.0	0	0.0
Hawaii	54	64.3	5	6.0	25	29.8	82	97.6	2	2.4	74	88.1	3	3.6	7	8.3
Idaho	41	85.4	3	6.3	4	8.3	48	100.0	0	0.0	47	97.9	0	0.0	1	2.1
Montana	70	77.8	0	0.0	20	22.2	90	98.9	1	1.1	90	98.9	1	1.1	0	0.0
Nevada	118	79.2	3	2.0	28	18.8	149	100.0	0	0.0	143	96.0	0	0.0	6	4.0
Northern Mariana Islands	2	66.7	0	0.0	1	33.3	3	100.0	0	0.0	3	100.0	0	0.0	0	0.0
Oregon	103	94.5	0	0.0	6	5.5	107	98.2	2	1.8	102	93.6	2	1.8	5	4.6
Washington																
Eastern	64	68.8	6	6.5	23	24.7	93	98.9	1	1.1	93	98.9	0	0.0	1	1.1
Western	154	95.1	5	3.1	3	1.9	164	100.0	0	0.0	138	84.1	0	0.0	26	15.9
TENTH CIRCUIT	1,106	76.6	27	1.9	311	21.5	1,449	99.5	7	0.5	1,411	96.9	14	1.0	31	2.1
Colorado	130	91.5	4	2.8	8	5.6	141	99.3	1	0.7	135	95.1	1	0.7	6	4.2
Kansas	164	88.2	4	2.2	18	9.7	185	99.5	1	0.5	185	99.5	1	0.5	0	0.0
New Mexico	423	65.8	9	1.4	211	32.8	642	99.4	4	0.6	645	99.8	0	0.0	1	0.2
Oklahoma																
Eastern	6	33.3	1	5.6	11	61.1	18	100.0	0	0.0	18	100.0	0	0.0	0	0.0
Northern	35	66.0	1	1.9	17	32.1	53	100.0	0	0.0	52	98.1	1	1.9	0	0.0
Western	42	60.9	8	11.6	19	27.5	72	98.6	1	1.4	54	74.0	11	15.1	8	11.0
Utah	236	95.2	0	0.0	12	4.8	252	100.0	0	0.0	239	94.8	0	0.0	13	5.2
Wyoming	70	82.4	0	0.0	15	17.6	86	100.0	0	0.0	83	96.5	0	0.0	3	3.5
ELEVENTH CIRCUIT	1,133	70.4	41	2.5	436	27.1	1,637	98.0	33	2.0	1,531	91.7	41	2.5	98	5.9
Alabama																
Middle	51	91.1	0	0.0	5	8.9	55	98.2	1	1.8	56	100.0	0	0.0	0	0.0
Northern	94	83.2	1	0.9	18	15.9	116	100.0	0	0.0	109	94.0	1	0.9	6	5.2
Southern	55	78.6	0	0.0	15	21.4	73	100.0	0	0.0	70	95.9	1	1.4	2	2.7
Florida																
Middle	260	63.6	15	3.7	134	32.8	394	92.7	31	7.3	393	92.5	32	7.5	0	0.0
Northern	74	68.5	1	0.9	33	30.6	108	100.0	0	0.0	107	99.1	0	0.0	1	0.9
Southern	328	68.2	14	2.9	139	28.9	497	99.8	1	0.2	479	96.2	1	0.2	18	3.6
Georgia																
Middle	86	69.4	4	3.2	34	27.4	134	100.0	0	0.0	105	78.4	6	4.5	23	17.2
Northern	122	83.0	2	1.4	23	15.6	147	100.0	0	0.0	146	99.3	0	0.0	1	0.7
Southern	63	61.8	4	3.9	35	34.3	113	100.0	0	0.0	66	58.4	0	0.0	47	41.6

¹Descriptions of variables used in this table are provided in Appendix A.²The figures presented in this table regarding Plea Agreement Submission exclude from the analysis 149 cases for which the Commission was unable to determine definitively whether the defendant's guilty plea was entered pursuant to a written plea agreement.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through December 31, 2006).

Table 24

**RATE OF SUBMISSION OF STATEMENT OF REASONS FORM
IN EACH CIRCUIT AND DISTRICT**

1st Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through December 31, 2006)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		n	%	n	%	n	%
TOTAL	16,176	13,491	83.4	2,191	13.5	494	3.1
D.C. CIRCUIT	143	135	94.4	8	5.6	0	0.0
District of Columbia	143	135	94.4	8	5.6	0	0.0
FIRST CIRCUIT	348	341	98.0	4	1.1	3	0.9
Maine	38	37	97.4	1	2.6	0	0.0
Massachusetts	124	121	97.6	2	1.6	1	0.8
New Hampshire	45	44	97.8	0	0.0	1	2.2
Puerto Rico	114	113	99.1	1	0.9	0	0.0
Rhode Island	27	26	96.3	0	0.0	1	3.7
SECOND CIRCUIT	883	769	87.1	109	12.3	5	0.6
Connecticut	76	75	98.7	1	1.3	0	0.0
New York							
Eastern	265	174	65.7	91	34.3	0	0.0
Northern	85	82	96.5	0	0.0	3	3.5
Southern	243	224	92.2	17	7.0	2	0.8
Western	184	184	100.0	0	0.0	0	0.0
Vermont	30	30	100.0	0	0.0	0	0.0
THIRD CIRCUIT	682	503	73.8	171	25.1	8	1.2
Delaware	10	10	100.0	0	0.0	0	0.0
New Jersey	205	44	21.5	160	78.0	1	0.5
Pennsylvania							
Eastern	155	141	91.0	7	4.5	7	4.5
Middle	157	155	98.7	2	1.3	0	0.0
Western	127	125	98.4	2	1.6	0	0.0
Virgin Islands	28	28	100.0	0	0.0	0	0.0
FOURTH CIRCUIT	1,515	1,118	73.8	318	21.0	79	5.2
Maryland	163	140	85.9	16	9.8	7	4.3
North Carolina							
Eastern	153	148	96.7	3	2.0	2	1.3
Middle	106	106	100.0	0	0.0	0	0.0
Western	141	131	92.9	8	5.7	2	1.4
South Carolina	302	298	98.7	0	0.0	4	1.3
Virginia							
Eastern	389	46	11.8	279	71.7	64	16.5
Western	114	114	100.0	0	0.0	0	0.0
West Virginia							
Northern	78	72	92.3	6	7.7	0	0.0
Southern	69	63	91.3	6	8.7	0	0.0

Table 24 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		n	%	n	%	n	%
FIFTH CIRCUIT	3,385	2,685	79.3	679	20.1	21	0.6
Louisiana							
Eastern	98	96	98.0	1	1.0	1	1.0
Middle	45	45	100.0	0	0.0	0	0.0
Western	117	106	90.6	10	8.5	1	0.9
Mississippi							
Northern	33	32	97.0	0	0.0	1	3.0
Southern	108	104	96.3	3	2.8	1	0.9
Texas							
Eastern	281	272	96.8	9	3.2	0	0.0
Northern	233	229	98.3	3	1.3	1	0.4
Southern	1,280	1,275	99.6	4	0.3	1	0.1
Western	1,190	526	44.2	649	54.5	15	1.3
SIXTH CIRCUIT	1,252	1,008	80.5	221	17.7	23	1.8
Kentucky							
Eastern	144	143	99.3	1	0.7	0	0.0
Western	79	78	98.7	0	0.0	1	1.3
Michigan							
Eastern	203	67	33.0	135	66.5	1	0.5
Western	115	105	91.3	7	6.1	3	2.6
Ohio							
Northern	263	259	98.5	3	1.1	1	0.4
Southern	129	87	67.4	34	26.4	8	6.2
Tennessee							
Eastern	116	114	98.3	1	0.9	1	0.9
Middle	74	30	40.5	36	48.6	8	10.8
Western	129	125	96.9	4	3.1	0	0.0
SEVENTH CIRCUIT	724	524	72.4	194	26.8	6	0.8
Illinois							
Central	62	59	95.2	3	4.8	0	0.0
Northern	205	56	27.3	143	69.8	6	2.9
Southern	101	101	100.0	0	0.0	0	0.0
Indiana							
Northern	101	95	94.1	6	5.9	0	0.0
Southern	85	85	100.0	0	0.0	0	0.0
Wisconsin							
Eastern	116	96	82.8	20	17.2	0	0.0
Western	54	32	59.3	22	40.7	0	0.0
EIGHTH CIRCUIT	1,161	959	82.6	196	16.9	6	0.5
Arkansas							
Eastern	63	62	98.4	1	1.6	0	0.0
Western	43	42	97.7	1	2.3	0	0.0
Iowa							
Northern	144	144	100.0	0	0.0	0	0.0
Southern	83	81	97.6	2	2.4	0	0.0
Minnesota	98	83	84.7	14	14.3	1	1.0
Missouri							
Eastern	226	214	94.7	8	3.5	4	1.8
Western	182	14	7.7	168	92.3	0	0.0
Nebraska	170	170	100.0	0	0.0	0	0.0
North Dakota	36	35	97.2	1	2.8	0	0.0
South Dakota	116	114	98.3	1	0.9	1	0.9

Table 24 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		n	%	n	%	n	%
NINTH CIRCUIT	2,957	2,491	84.2	213	7.2	253	8.6
Alaska	29	25	86.2	0	0.0	4	13.8
Arizona	869	742	85.4	105	12.1	22	2.5
California							
Central	332	148	44.6	11	3.3	173	52.1
Eastern	220	217	98.6	2	0.9	1	0.5
Northern	125	119	95.2	4	3.2	2	1.6
Southern	635	590	92.9	4	0.6	41	6.5
Guam	5	5	100.0	0	0.0	0	0.0
Hawaii	84	74	88.1	8	9.5	2	2.4
Idaho	48	47	97.9	0	0.0	1	2.1
Montana	91	85	93.4	0	0.0	6	6.6
Nevada	149	148	99.3	0	0.0	1	0.7
Northern Mariana Islands	3	3	100.0	0	0.0	0	0.0
Oregon	109	37	33.9	72	66.1	0	0.0
Washington							
Eastern	94	88	93.6	6	6.4	0	0.0
Western	164	163	99.4	1	0.6	0	0.0
TENTH CIRCUIT	1,456	1,399	96.1	26	1.8	31	2.1
Colorado	142	134	94.4	5	3.5	3	2.1
Kansas	186	183	98.4	1	0.5	2	1.1
New Mexico	646	641	99.2	0	0.0	5	0.8
Oklahoma							
Eastern	18	18	100.0	0	0.0	0	0.0
Northern	53	53	100.0	0	0.0	0	0.0
Western	73	45	61.6	7	9.6	21	28.8
Utah	252	240	95.2	12	4.8	0	0.0
Wyoming	86	85	98.8	1	1.2	0	0.0
ELEVENTH CIRCUIT	1,670	1,559	93.4	52	3.1	59	3.5
Alabama							
Middle	56	56	100.0	0	0.0	0	0.0
Northern	116	116	100.0	0	0.0	0	0.0
Southern	73	68	93.2	5	6.8	0	0.0
Florida							
Middle	425	419	98.6	6	1.4	0	0.0
Northern	108	102	94.4	1	0.9	5	4.6
Southern	498	469	94.2	4	0.8	25	5.0
Georgia							
Middle	134	79	59.0	26	19.4	29	21.6
Northern	147	137	93.2	10	6.8	0	0.0
Southern	113	113	100.0	0	0.0	0	0.0

¹Cases included in this category are those in which the court submitted Form AO 245B (Revision 06/05) to the Commission. Only cases in which all four pages of this form were submitted with no deletions or substantive changes are included in this category. Form AO 245B was approved by the Executive Committee of the Judicial Conference of the United States in June 2005.

²Cases are included in this category for one or more of the following reasons: one or more pages of Form AO 245B (Revision 06/05) were missing; deletions or substantive changes were made in Form AO 245B (Revision 06/05) that prevented the USSC from collecting the information required to be submitted by 18 U.S.C. § 3553(c); the outdated version of Form AO 245B was submitted; or a unique, district created or modified form was submitted.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through December 31, 2006).

Appendix A

Descriptions of Datafiles and Variables

Introduction

Federal courts are required to forward to the Commission sentencing documentation on all offenders sentenced under the Sentencing Reform Act of 1984 (SRA), except in cases that solely involve petty offenses. Standard information on each case is extracted from sentencing documents received and computerized for analysis.

Given the nature of the datafile and reporting requirements, the following are not included: cases initiated but for which no convictions were obtained, offenders convicted for whom no sentences were yet issued, and offenders sentenced but for whom no sentencing documents were submitted to the Commission. Because the Commission collects information only on cases sentenced under the guidelines, information on cases sentenced under prior law (pre-guidelines) during the current fiscal year is not available in this dataset. When cases are sentenced under both prior law and the guidelines, only the guideline relevant information is coded in the dataset.

Note that for all tables, total percentages may not add up to exactly 100 percent due to rounding.

Variables

The following section describes the variables used in this report.

Above Guideline Range With *Booker*/18 U.S.C. § 3553

Above Guideline Range with Booker/18 U.S.C. § 3553 consist of cases sentenced above the guideline range in which no departure was indicated and in which the court cited *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing of the guideline system.

Age

The *Age* of the offender on the day of sentencing is calculated using the offender's date of birth as reported in the Pre-sentence Report and the date of sentencing as reported in the Judgment of Conviction order.

All Remaining Cases Above Guideline Range

All Remaining Cases Above Guideline Range consist of cases sentenced above the guideline range that could not be classified into any of the other three above the range categories. This category includes cases in which no reason was provided for a sentence above the guideline range.

All Remaining Cases Below Guideline Range

All Remaining Cases Below Guideline Range consist of cases sentenced below the guideline range that could not be classified into any of the other three below the range categories. This category includes cases in which no reason was provided for a sentence below the guideline range.

Average Sentence Length

Using sentencing information obtained from the Judgment of Conviction order, *Average Sentence Length* is reported as the mean and median terms of imprisonment (including any months of alternative confinement as defined in §5C1.1) ordered for cases committed to the Bureau of Prisons. Cases that receive no term of imprisonment (i.e. probation) are also included in the average. Cases for which a term of imprisonment is ordered but the length is indeterminable also are excluded. In most cases for which

the exact term is unknown, the Judgment of Conviction order merely specifies a sentence of time served. Prior to fiscal year 1993, the Commission defined life sentences as 360 months. However, to reflect life expectancy of federal criminal offenders more precisely and to provide more accurate length of imprisonment information, life sentences are now defined as 470 months.

Below Guideline Range With *Booker*/18 U.S.C. § 3553

Below Guideline Range with Booker/18 U.S.C. § 3553 consist of cases sentenced below the guideline range in which no departure was indicated and in which the court cited *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing of the guideline system.

Circuit

Information on judicial *Circuit* is generated by computer using the location of the judicial district in which the offender was sentenced.

Citizenship Status

Information on the *Citizenship Status* of offenders is obtained from the Presentence Report. Offenders are categorized as one of the following: “U.S. citizen,” “resident alien,” “illegal alien,” and “non-U.S. citizen, alien status unknown.” The latter three categories are collapsed into the category of “non-U.S. citizen.”

Degree of Decrease

Degree of Decrease is calculated based on the difference between the length of imprisonment (not including any months of alternative confinement as defined in §5C1.1) and the guideline minimum for the following categories of below range cases: departures below the guideline range, departures below the guideline range with *Booker*/18 U.S.C. § 3553, below the guideline range with *Booker*/18 U.S.C. § 3553, all other below range cases, §5K1.1 substantial assistance cases, and §5K3.1 early disposition program cases, and other government sponsored cases. Life sentences, and cases where the guideline minimum is zero months or life are all excluded from all degree of decrease calculations due to the logical difficulty in calculating a decrease from these values.

Degree of Increase

Degree of Increase is calculated based on the difference between the guideline maximum and the length of imprisonment (not including any months of alternative confinement as defined in §5C1.1) for the following categories of above range cases: departures above the guideline range, departures above the guideline range with *Booker*/18 U.S.C. § 3553, above the guideline range with *Booker*/18 U.S.C. § 3553, and all other above range cases. Life sentences, sentences of probation, and cases where the guideline minimum is life are all excluded from all degree of increase calculations due to the logical difficulty in calculating an increase from these values.

District

Information on the judicial *District* in which sentencing occurred is obtained from the Judgment of Conviction order.

Document Submission Rates

Five documents are represented in the document submission rate table: Judgment of Conviction order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), Indictment/Information (Ind), and Plea Agreements (Plea). The J&C and PSR generally are submitted in a standardized format. PSRs waived by the court are indicated in a separate column. Standardized forms for the Statement of Reasons are most frequently submitted; however, transcripts or partial transcripts from the sentencing hearing are also included as *Statement of Reasons Received*. Cases in which the Commission was unable to determine definitively whether the offender’s guilty plea was entered pursuant to a written agreement are excluded

from the Plea Agreement totals.

Downward Departure From Guideline Range

Downward Departure from Guideline Range consist of cases with downward departures in which the court did not indicate as a reason either *U.S. v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

Downward Departure With Booker/18 U.S.C. § 3553

Downward Departure with Booker/18 U.S.C. § 3553 consist of cases sentenced below the guideline range in which the court indicated both a departure (see Downward Departure From Guideline Range) and a reference to either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

Drug Offense Guideline

Drug Offense Guideline information is obtained from the Presentence Report and is based on the guidelines in USSG Chapter Two, Part D. The six guidelines featured in the tables (§2D1.1, §2D1.2, §2D1.5, §2D1.6, §2D1.8, and §2D2.1) represent the vast majority of drug cases.

Drug Type

Information on *Drug Type* is obtained from the Judgment of Conviction order or the Presentence Report. It is recorded only if at least one of the statutes of conviction recorded by the Commission is a title 21 U.S. Code offense or a non-title 21 offense when the underlying conduct involves a controlled substance. Information about type of drug in the text and tables is derived from the primary drug type (*i.e.*, the type that produces the highest base offense level). The category *Marijuana* includes Hashish and Hashish oil. The category *Methamphetamine* includes pure (actual) methamphetamine, “ICE”, methamphetamine mixture, and methamphetamine precursors (specifically including ephedrine and pseudoephedrine). (“ICE” has been included in the methamphetamine category since FY1996). All drug types not listed separately in this report are collapsed into the “other” drug category.

Education

Information on education of the offender is obtained from the Presentence Report and is collapsed into general categories. Technical, military, and vocational training as well as course work at community colleges are included in the *Some College* category. A general equivalency degree (GED) is included in the *High School Graduate* category.

Gender

Gender of the offender is obtained from the Presentence Report or probation office.

Government Sponsored

Government sponsorship of a departure is determined by a yearly case review by USSC staff of both the reasons for departure and the coding by USSC staff of any indication of government sponsorship as indicated on the Statement of Reasons. The SOR form AO245B version 12/03 and 06/05 have specific check-boxes to indicate the origins of the departure, but cases which do not use this form may also indicate in writing the origins of the departure. Additionally, all cases with one or more of the following reasons were classified as being sponsored by the government regardless of whether the SOR indicated sponsorship: pursuant to a plea agreement (binding, non-binding, or unknown), fast track, savings to the government, early plea, deportation, waiver of indictment and/or appeal, other government motion, global disposition, due to stipulations, facilitated early release of a material witness, joint recommendation, and large number of immigration cases. Note that since the USSC reviews the reasons on a yearly basis this list might be modified slightly from year to year. Unless otherwise broken out in the table or chart, this

category also includes cases with §5K3.1 Early Disposition Program (EDP) departures.

Guideline Offenders Sentenced

Each *Guideline Offender Sentenced* or case, as recorded by the USSC, involves a single sentencing event for a single offender. Multiple counts, and even multiple indictments, are considered a single sentencing event if sentenced at the same time by the same judge. A single offender may appear in more than one case if involved in more than one sentencing event during the fiscal year. Co-offenders in the same sentencing will each appear as separate cases.

Guideline Sentencing Range

The *Guideline Sentencing Range* is taken from the Statement of Reasons provided by the sentencing court. Alternatively, if the Statement of Reasons is missing, then the information is taken from the Pre-sentence Report.

For tables in this report, unless otherwise indicated, the guideline sentencing range does not take into account applicable statutory restrictions on either the maximum or the minimum of the range; therefore, it may differ from the available range, which does take into account the statutory restrictions.

Mode of Conviction

Information on *Mode of Conviction* is obtained from the Judgment of Conviction order. Offenders sentenced subsequent to a plea of guilty or *nolo contendere* are included in the *Plea* category. Offenders sentenced subsequent to a trial by judge or jury are included in the *Trial* category. Rare cases involving both a plea and a trial are included in the *Plea* category.

Outside of the Range Attribution Categories

All categories replicate the list of checkboxes available on the SOR Form AO245B (Both 12/03 and 06/05). Not all checkbox categories are available in both the departure section and sentences outside the guideline system section on this form and that multiple checkboxes may be indicated in a single case so that totals in a table may exceed the total number of cases. USSC uses these checkboxes in determining government sponsorship: all cases in which one of the pursuant to a plea agreement boxes is indicated are attributed to the government. Additionally cases where a §5K1.1, §5K3.1, or other government motion checkbox was indicated in the pursuant to a motion not in a plea agreement section are also attributed to one of the government sponsored categories. Additionally other types of SOR forms may indicate sponsorship in writing and these attributions are also included in the appropriate category.

Position of Sentence

The *Position of Sentence* describes within-range guideline sentences in terms of their relative positions within their applicable guideline ranges. Only cases with complete information from the Statement of Reasons are used for this table. The *Position of Sentence* is determined by dividing the available range in half. This allows a sentence to fall into one of five distinct categories: the guideline minimum; the exact midpoint of the range; the guideline maximum; the lower-half of the range (when not at the guideline minimum); and the upper-half of the range (when not at the guideline maximum). The “available range” is the guideline range with applicable statutory restrictions on either the maximum or the minimum of the range taken into account. (For cases in which guideline §5C1.2 was applied, in accordance with the provisions of the guideline, the statutory restrictions on the range are those from 18 U.S.C. § 3553(f).) In cases in which the sentence is located outside the available sentencing range, departure information is provided as reported by the sentencing court. Differences in the number and percentage of cases in each range quarter may differ from other tables presented in this report; this is due to the exclusion of any case missing both complete information from the Statement of Reasons and information on statutory minima and maxima.

Primary Offense Category

Information on *Primary Offense Category* is obtained from the Judgment of Conviction order. The “primary” offense code for the case is determined to be the offense code applicable for the count of conviction with the highest statutory maximum. If two or more counts are found to have the same statutory maximum, “primary” offense is selected according to which count of conviction has the highest statutory minimum. Finally, in the event of a small number of cases still tied, the offense type that best represented the nature of the criminal behavior is chosen.

For convenience in analysis, a summary variable describing “primary offense category” is derived. This code is generated by grouping similar primary offense codes into a smaller set of categories. Note that the primary offense categories differ between the individual and organizational offender datafiles. Listed below are the offense types that are grouped into each of the primary offense categories used in the individual datafile tables for this report:

Murder includes first degree murder, felony with death resulting, second degree murder, and conspiracy to murder (with death resulting).

Manslaughter includes both involuntary and voluntary manslaughter.

Kidnapping/Hostage includes ransom taking and hostage/kidnapping.

Sexual Abuse includes sexual abuse of a minor, sexual abuse of a ward, criminal sexual abuse, and abusive sexual contact.

Assault includes attempt to commit murder, assault with intent to murder, threatening communication, aggravated assault, conspiracy with attempt to murder, obstructing or impeding officers, minor assault, and conspiracy that includes assault with attempt to murder.

Robbery includes bank robbery, aggravated bank robbery, Hobbs Act robbery, mail robbery, other robbery, and carjacking.

Arson also includes damage by explosives.

Drugs: Trafficking includes drug distribution/manufacture, drug distribution/manufacture – conspiracy, continuing criminal enterprise, drug distribution – employee under 21, drug distribution near school, drug import/export, drug distribution to person under 21, and establish/rent drug operation.

Drugs: Communication Facility includes use of a communication facility in a drug trafficking offense.

Drugs: Simple Possession includes distribution of a small amount of marijuana and simple possession.

Firearms includes unlawful possession/transportation of firearms or ammunition; possession of guns/explosives on aircraft; unlawful trafficking, etc. in explosives; possession of guns/explosives in federal facility/schools; use of fire or explosives to commit felony; and use of firearms or ammunition during crime.

Burglary/Breaking & Entering includes post office burglary, burglary of DEA premises (pharmacy), burglary of other structure, bank burglary, and burglary of a residence.

Auto Theft includes auto theft (including parts), receipt/possession of stolen auto or parts, and altered identification numbers/trafficking in altered (auto).

Larceny includes bank larceny, theft from benefit plans, other theft – mail/post office, receipt/possession of stolen property (not auto), other theft – property, larceny/theft-mail/post office, larceny/theft – property (not auto), and theft from labor union.

Fraud includes odometer laws and regulations, insider trading, and fraud and deceit.

Embezzlement includes embezzlement – property, embezzlement from labor unions, embezzlement – mail/post office, embezzlement from benefit plans, and bank embezzlement.

Forgery/Counterfeiting includes counterfeit bearer obligations and forgery/counterfeit (non-bearer obligations).

Bribery includes payment to obtain office, bribe involving officials, bribery – bank loan/commercial, loan or gratuity to bank examiner, etc., gratuity involving officials, and bribe or gratuity affecting employee plan.

Tax Offenses include receipt/trafficking in smuggled property, aid, etc., in tax fraud; fraud – tax returns, statements, etc.; fraud, false statement – perjury; failure to file or pay; tax evasion; evading import duties (smuggle); failure to collect or account for taxes; regulatory offenses – taxes; failure to deposit taxes in trust account; non-payment of taxes; conspiracy to avoid taxes; and offenses relating to withholding statements.

Money Laundering includes laundering of monetary instruments, monetary transaction from unlawful activity, failure to file currency report, and failure to report monetary transactions.

Extortion/Racketeering includes extortionate extension of credit, blackmail, extortion by force or treat, Hobbs Act extortion, travel in aid of racketeering, crime relating to racketeering, and violent crimes in aid of racketeering.

Gambling/Lottery includes engaging in a gambling business, transmission of wagering information, obstruction to facilitate gambling, and interstate transportation of wagering paraphernalia.

Civil Rights includes interference with rights under color of law; force or threats to deny benefits or rights; obstructing an election or registration; manufacture, etc. – eavesdropping device; other deprivations/discrimination; obstructing correspondence; peonage, servitude, and slave trade; intercept communication or eavesdropping; and conspiracy to deprive individual of civil rights.

Immigration includes trafficking in U.S. passports; trafficking in entry documents; failure to surrender naturalization certificate; fraudulently acquiring U.S. passports; smuggling, etc.; unlawful alien; fraudulently acquiring entry documents; and unlawfully entering

U.S.

Pornography, Prostitution includes dealing in obscene matter, transportation of minor for prostitution/sex, transportation for prostitution/sex (adult), sexual exploitation of minors, materials involving sexual exploitation of minors, obscene telephone or broadcasting, and selling or buying children for pornography.

Offenses In Prisons includes contraband in prisons, riots in federal facilities, and escape.

Administration of Justice includes commission of offense while on release, bribery of a witness, failure to appear by offender, contempt, failure to appear by material witness, obstruction of justice, payment of witness, perjury or subornation of perjury, misprision of a felony, and accessory after the fact.

Environmental/Fish And Wildlife includes waste discharge, specially protected fish, wildlife, and plants (waste discharge is presented as a separate offense category in Tables 51 and 52).

National Defense includes evasion of export controls and exportation of arms, etc., without license.

Antitrust includes bid-rigging, price-fixing, and market allocation agreement.

Food and Drug includes false information or tampering with products, tampering to injure business, tampering with risk of death or injury, and violation of regulations involving food, drugs, etc.

Other Miscellaneous Offenses includes illegal use of regulatory number – drugs; illegal transfer of drugs; illegal regulatory number to get drugs; drug paraphernalia; forgery/fraud for drugs; dangerous devices to protect drugs; manufacture drugs against quota; endangering life while manufacturing drugs; operate carrier under drugs; endangerment from hazardous/toxic substances; mishandling substances, records, etc.; threat of tampering with public water system; hazardous devices of federal lands; mishandling other pollutants, records, etc.; improper storage of explosives; record keeping violation – explosives; possession of other weapon – on aircraft, in federal facility; failure to report theft of explosives; feloniously mailing injurious articles; transport of hazardous material in commerce; interference with flight crew, other offense – aboard aircraft; criminal infringement of copyright/trademark; conflict of interest; unauthorized payment; non-drug forfeiture; impersonation; false statement to Employee Act; reporting offenses – labor related; criminal infringement of trademark; unlawful conduct relating to control/cigarettes; trespass; destruction of property; destruction of mail; aircraft piracy; conspiracy to murder (no death, assault, or attempt); conspiracy to commit murder; and all other miscellaneous offenses not previously listed in any of the other categories.

Race

Information on *Race* of the offender is obtained from the Presentence Report in separate categories of race and ethnicity (*White, Black, Native American or Alaskan Native, and Asian or Pacific Islander*). Ethnicity data indicate whether a offender is of Hispanic origin. (For purposes of this report, offenders whose ethnic background is designated as Hispanic are represented as Hispanic in all tables regardless of

racial background.) The *Other* category includes offenders of Native American, Alaskan Native, and Asian or Pacific Islander origin.

Type of Guideline Sentence Imposed

Using sentencing information obtained from the Judgment of Conviction order, the *Total Receiving Prison* column includes the number of offenders sentenced (and percent of *Total Cases*) who received a commitment to the Bureau of Prisons. This column is the sum of cases in *Prison* and the *Prison/Community Split Sentence* categories.

The *Prison* category includes offenders sentenced to a term of imprisonment only, with no additional conditions of community confinement, home detention or intermittent confinement.

The *Prison/Community Split Sentence* category includes all cases in which offenders received prison and conditions of alternative confinement as defined in USSG §5C1.1. This category includes, but is not limited to, Zone A, Zone B, or Zone C cases receiving prison with additional conditions of a term of community confinement, home detention, or intermittent confinement.

The *Total Receiving Probation* column includes the number of offenders sentenced (and the percent of *Total Cases*) who received a term of probation with or without a condition of community confinement, intermittent confinement, or home detention. This column also represents the total of the *Probation Only* and *Probation and Confinement* categories.

The *Probation Only* column includes the number of offenders who received a term of probation without a condition of community confinement, intermittent confinement, or home detention.

Probation and Confinement includes the number of offenders who received a term of probation with a condition of community confinement, intermittent confinement, or home detention.

Upward Departure From Guideline Range

Upward Departure from Guideline Range consist of cases with upward departures in which the court did not indicate as a reason either *U.S. v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

Upward Departure With *Booker*/18 U.S.C. § 3553

Upward Departure with Booker/18 U.S.C. § 3553 consist of cases sentenced above the guideline range in which the court indicated both a departure (see Upward Departure From Guideline Range) and a reference to either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

Year

Information on Year is obtained from the Judgment of Conviction order. Unless otherwise indicated, the sentencing year is defined as the fiscal year in which the offender was sentenced.

Zone

The *Sentencing Table* is categorized into sentencing *Zones*. Courts may impose various types of punishment as alternatives to imprisonment. Alternative types of punishment include: probation, home detention, community confinement, and intermittent confinement. Imposition of alternative types of punishment is restricted to offenders within specific sentencing zones.

Zone A: a guideline range is in Zone A when the minimum term of imprisonment specified is zero months;

Zone B: a guideline range is in Zone B when the minimum term of imprisonment specified is at least one but not more than six months;

Zone C: a guideline range is in Zone C when the minimum term of imprisonment specified is eight months when criminal history category is four or less, and nine months if the criminal history category is greater than four;

Zone D: a guideline range is in Zone D when the minimum term of imprisonment specified is twelve months or more.

See Chapter 5 of the *Guidelines Manual* for a description of alternatives to imprisonment and the conditions under which they are applicable.

Appendix B:
List of Quarterly Report Tables and Figures
and Comparable FY06 *Sourcebook* Number/Letter

<u>Quarterly Report Tables/Figures</u>	<u>Comperable <i>Sourcebook</i> Tables/Figures</u>
Table 1	Table N
Table 2	Table 26
Table 3	Table 27
Figure A	N/A
Figure B	N/A
Table 4	Table 28
Table 5	Table 28A
Table 6	Table 30
Table 7	Table 30A
Table 8	Table 31
Table 9	Table 31A
Table 10	Table 31B
Table 11	Table 31C
Table 12	Table 31D
Table 13	Table 32
Table 14	Table 32A
Table 15	Table 32B
Table 16	Table 32C
Table 17	Table 15
Table 18	Table 13
Figure C	N/A
Figure D	N/A
Figure E	N/A
Figure F	N/A
Figure G	N/A
Figure H	N/A
Figure I	N/A
Table 19	Table 29
Figure J	Figure A
Table 20	Table 3
Table 21	Table 11
Table 22	Table 7
Table 23	Tables 1
Table 24	N/A